

United States

v.

Case No. 2:15-cr-00707-SRB

Abdul Malik Abdul Kareem

ATTACHMENT 2

Direct Examination of FBI Agent Steven Jane in
United States v. Erick Jamal Hendricks
pp. 822-23, 831-1039

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:16CR265

vs.

Akron, Ohio
Friday, March 9, 2018

ERICK JAMAL HENDRICKS,

Defendant.

TRANSCRIPT OF TRIAL

VOLUME 6, PAGES 822 THROUGH 1047
BEFORE THE HONORABLE JOHN R. ADAMS
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Government: Matthew W. Shepherd
Office of the U.S. Attorney - Cleveland
Carl B. Stokes U.S. Courthouse
801 Superior Avenue, West, Suite 400
Cleveland, Ohio 44113
(216) 622-3600

Mark S. Bennett
Office of the U.S. Attorney - Akron
2 South Main Street, Room 208
Akron, Ohio 44308
(330) 375-5716

Rebecca A. Magnone
U.S. Department of Justice
960 Pennsylvania Avenue, NW
Washington, DC 20530
(202) 353-9472

For the Defendant: David L. Doughten

Attorney at Law
4403 St. Clair Avenue
Cleveland, Ohio 44103
(216) 361-1112

Stephen D. Hartman
Attorney at Law
1st Floor
320 North Michigan Street
Toledo, Ohio 43604
(419) 690-4604

Court Reporter: Caroline Mahnke, RMR, CRR, CRC
Lori A. Callahan, RMR, CRR
Federal Building & U.S. Courthouse
2 South Main Street, Suite 568
Akron, Ohio 44308
(330) 252-6021

Proceedings recorded by mechanical stenography; transcript produced by computer-aided transcription.

1 THE COURT: All right, Ms. Kestner. May we have
2 our jurors, please?

3 (Jury in, 9:30 a.m.)

4 THE COURT: Counsel for the government, would you
00:40:14 5 call your next witness, please?

6 MR. SHEPHERD: Yes, Your Honor. The government
7 calls Steven Jane.

8 THE COURT: Sir, would you please raise your
9 right hand.

00:40:23 10 STEVEN JANE,
11 of lawful age, a witness called by the United States,
12 being first duly placed under oath, was examined
13 and testified as follows:

14 THE COURT: Thank you. Counsel, you may inquire.
00:40:34 15 MR. SHEPHERD: Thank you, Your Honor.

16 DIRECT EXAMINATION OF STEVEN JANE

17 BY MR. SHEPHERD:

18 Q. Are you Steven Jane?

19 A. Yes.

00:40:37 20 Q. And are you a special agent with the FBI?

21 A. Yes, sir.

22 Q. And as a special agent with the FBI, do you work in an
23 undercover capacity?

24 A. Yes, I do.

00:40:50 25 Q. What kinds of cases do you work on as an undercover

1 agent?

2 A. Counterterrorism.

3 Q. And approximately how long have you worked as an
4 undercover agent for the FBI?

00:41:00 5 A. Around nine years.

6 Q. And in your work as an undercover, do you interact
7 with subjects?

8 A. Yes.

9 Q. Does that include in-person?

00:41:14 10 A. Yes.

11 Q. Do you also interact online?

12 A. Yes.

13 Q. Where in the United States do you work on cases?

14 A. All over the U.S.

00:41:21 15 Q. When you're working on a case, are you in any
16 particular location?

17 A. It depends on the assignment.

18 Q. So --

19 A. It varies often.

00:41:34 20 Q. So is it possible you could be working on cases at any
21 one time anywhere in the United States?

22 A. Typically working on multiple cases at any given time.

23 Q. So would it be fair to say you could be in one
24 location, but working on a case in a different location as
25 well?

1 A. That's the norm, yes.

2 Q. Have you had any special training related to
3 undercover operations?

4 A. Yes.

00:41:54 5 Q. Will you please describe that previously?

6 A. Yeah, I attended the FBI's undercover certification
7 course in order to become an undercover agent. It was two
8 weeks long, and then the subsequent follow-up training as
9 well.

00:42:09 10 Q. Have you had any kind of training related to
11 counterterrorism investigations?

12 A. Yes, I have.

13 Q. Can you briefly describe what that consists of?

14 A. The FBI has a standard package of training or all
00:42:19 15 agents that work counterterrorism investigations, and I've
16 attended all those courses and some additional optional
17 courses, as well.

18 Q. And during your time working cases in
19 counterterrorism, have you also learned additional things
00:42:33 20 with counterterrorism investigations?

21 A. Yes. In the, you know, specialized line of work,
22 attended additional training. And then, of course, just
23 on-the-job training, learning from peers, just as the
24 emergent process goes. I picked up the lexicon.

00:42:51 25 Q. And is there a certification that you have to have

1 with the FBI to work undercover?

2 A. That is correct. Yes. It's an official very formal
3 process.

4 Q. And do you have that certification?

00:43:01 5 A. I do.

6 Q. Now, you mentioned a lexicon previously. Is there a
7 language or, as you said lexicon, that you have to learn to
8 effectively work these cases?

9 A. Yeah. It's pretty much mandatory. In order to
00:43:17 10 operate in the counterterrorism realm, particularly with
11 subjects that are sympathizers of the ISIS ideology, there's
12 their own kind of language, key words that they use, and,
13 yes, I'm very familiar with that.

14 Q. And you mentioned their ideology. Do you have to
00:43:33 15 learn the ideology of the people you're vetting?

16 A. Yeah. There's have a narrow but very specific
17 ideological strain that groups like ISIS and other
18 terrorists abide by. The salafi-jihadi ideology, and I've
19 become very familiar with that.

20 Q. And just to help our court reporters, can you spell
21 salafi, please?

22 A. Yeah. Salafi-jihadi is S-A-L-A-F-I, hyphen, jihadi,
23 J-I-H-A-D-I.

24 Q. And do you have to become familiar with Arabic terms
00:44:13 25 and phrases?

1 A. Yes. I mean, a lot of the terms are Islamic terms
2 which are originally in Arabic. So many of the key terms
3 are Arabic words that create Islamic phrases.

4 Q. And are these terms and phrases that you've learned in
00:44:29 5 your nine years as an undercover agent?

6 A. Yes.

7 Q. Have you also had to learn how your subjects
8 communicate with each other?

9 A. Yes.

00:44:37 10 Q. And what kinds of ways have you had to communicate
11 with subjects in your cases?

12 A. As you mentioned earlier, online and in face-to-face
13 meetings. In addition, you know, observing other
14 communications that subjects have that we collect through
00:44:53 15 other means.

16 Q. Do you have to use social media applications to
17 communicate?

18 A. Yes.

19 Q. And as a result, have you had to become familiar with
00:45:04 20 different social media applications?

21 A. Yes, and encrypted messaging applications as well.

22 Q. When you're working on an investigation, typically
23 what would you describe your goal is?

24 A. Ultimately is to determine if the subject poses his
00:45:22 25 desire to commit a crime. Often in the counterterrorism

1 realm, it's to determine if that individual wants to carry
2 out an act of violence himself or support an act of violence
3 or support a terrorist organization.

4 So, you know, one of the first steps is to just become
00:45:41 5 familiar, essentially build rapport, and kind of socialize
6 often online and then see if the subject then directs the
7 conversation in a direction that would lead to either a
8 violent outcome or supporting a designated terrorist
9 organization.

00:45:57 10 Q. And when you're doing that, how are you trying to have
11 the -- or who do you try to have the conversation directed
12 by?

13 A. Of course, the subject of the FBI investigation is the
14 person who determines where the nature of the relationship
00:46:12 15 and the conversation goes.

16 I just simply, in my persona, while talking to someone
17 is to make myself available to them to see if they want
18 to -- see what direction they want to go in.

19 Q. When you say a persona, so when you're undercover, is
00:46:29 20 there a role that you're playing?

21 A. Yes. So I take on a different persona, and then just
22 conduct myself according to that persona.

23 Q. Is there a way you try to document your communications
24 with someone when you're using these social media
00:46:46 25 applications?

1 A. Yes. So as a norm, I capture the verbatim
2 conversations in writing in their original format.

3 We just simply call that a screen shot, pretty common
4 practice.

00:47:01 5 Q. Are there any challenges with doing that?

6 A. Depending on what messaging application we're using or
7 social media, some apps are designed where the content
8 expires or itself deletes or auto deletes after a designated
9 period of time.

00:47:16 10 So that poses a trickier challenge to capture those
11 raw verbatim communications before they expire.

12 There's other security precautions, you know, I have
13 to be pretty cognizant of that varies from app to app.

14 Q. Are there some apps -- are there any apps that notify
00:47:35 15 the other user if he had taken a screen shot?

16 A. Yes.

17 Q. And are there apps that can tell you if the other
18 person's communications have been deleted or not?

19 A. Depending on the app, that is possible. So, you know,
00:47:49 20 I have methods to simply take a picture of that screen
21 without doing a conventional screen shot.

22 Q. Now, Agent Jane, were you involved in the
23 investigation of Erick Hendricks in this case?

24 A. Yes.

00:48:03 25 Q. As part of that investigation, did you communicate

1 with someone that you originally knew as Abu Harb?

2 A. Yes.

3 Q. Through what medium were you communicating with this
4 person you knew as Abu Harb?

00:48:20 5 A. So the genesis of this investigation of Mr. Hendricks
6 was in the course of me working a different case where I was
7 targeting a different subject online.

8 And in the course of working that case, I noticed that
9 there was an associate of my primary subject, my primary
00:48:41 10 target, and that was on Twitter. So I noticed that there
11 was, it would appear to be a pretty vibrant relationship
12 between my primary target and this new, this unknown user.
13 He was unknown at the time.

14 So that began on Twitter. And then I noticed on that
00:49:02 15 particular Twitter account, that user had posted the screen
16 name or account for a Surespot messaging application.

17 So it really began when I noticed that this second
18 user, the friend of my primary target, had posted his,
19 essentially his address or screen name, ability to contact
00:49:22 20 on Surespot.

21 So I reached out to him and just initiated, you know,
22 a very casual conversation.

23 Q. What was your purpose in reaching out to this other
24 person?

00:49:32 25 A. So like I said, my primary responsibility was the

1 other target. And I wanted to become familiar with the
2 friends, the company that he was keeping, given that I was
3 becoming a closer friend of that primary target. I was
4 going to end up in the same peer circle, so I was just
00:49:52 5 basically getting myself in that same peer circle.

6 Q. What was the user name of the Twitter account that you
7 reached out to?

8 A. Of the primary target or --

9 Q. We will call for now the secondary target.

00:50:08 10 A. That I probably have to look at my raw -- the original
11 raw communications, my first report, my first 302 report.

12 Q. Hold on just a minute. We'll show you an exhibit to
13 move forward.

14 A. Sure. I just want to make sure I don't mix up the
00:50:24 15 accounts.

16 But my first report I clearly annotated the Twitter
17 handle, the Twitter account of the -- who became the second
18 person I engaged with.

19 MR. SHEPHERD: Your Honor, may I approach the
00:50:36 20 witness?

21 THE COURT: You may.

22 THE WITNESS: Okay. So the Twitter handle for my
23 initial contact was with a -- it was called @sham_reason.

24 BY MR. SHEPHERD:

00:51:24 25 Q. And approximately when did you make that connection?

1 A. So I first noticed this second person in contact with
2 my primary target on March 24. I noticed that Twitter page.
3 And then that user posting his Surespot account. This was
4 on March 24, 2015.

00:51:44 5 Q. Okay. And what is Surespot?

6 A. Surespot is one of many peer-to-peer encrypted
7 messaging applications.

8 Q. So after you saw this Surespot account on the
9 sham_reason Twitter account, did you then reach out to that
00:52:12 10 Surespot account?

11 A. I did.

12 MR. SHEPHERD: Your Honor -- or please pull up
13 Exhibit Number 1, please.

14 BY MR. SHEPHERD:

00:52:24 15 Q. On the screen in front of you is what's been marked as
16 Government's Exhibit 1.

17 Do you recognize this?

18 A. Yes. The top middle of the screen is the screen name
19 shamreason. And this is the -- essentially the Surespot
00:52:37 20 address for this user. And this is the same screen name
21 that I noticed posted on that Twitter account for
22 shamreason.

23 Q. And just so this helps orient us for later, on this
24 screen shot, are there any symbols that tell you this is
00:52:57 25 Surespot?

1 A. Yeah, in the top left corner, that's icon for
2 Surespot. And, of course, I downloaded this app myself.

3 Q. So the symbol that I just circled, is in blue?

4 A. Correct.

00:53:09 5 Q. I'm also going to underline a name at the top.

6 What did I just underline?

7 A. Shamreason which is the Surespot screen name. And
8 it's the -- serves essentially as the address for this
9 account in order to contact that person.

00:53:23 10 Q. So if you have a Surespot screen shot like this, is
11 that where the name of the other party to the conversation
12 would be?

13 A. Correct.

14 Q. And then there's a bunch of texts on the left of this
00:53:37 15 image.

16 Who is speaking in that text?

17 A. So what we see here is this is my half of the
18 conversation. The user of this account, at the conclusion
19 of our conversation, I didn't expect this, but the user
00:53:50 20 deleted this account such that half of the conversation was
21 deleted. It was lost. So the only thing at the conclusion
22 of the conversation, I was only left with my comments that I
23 made with him.

24 But I did write up a short summary of the conversation
00:54:03 25 because we can't look at the original comments made by the

1 other user. So I summarized some of those. And I can kind
2 of essentially read between the lines because we have half
3 the conversations. So I was mostly answering questions.

4 Q. So taking a look at this conversation, first, if we
00:54:24 5 can enlarge the top half.

6 And just to clarify, so the Twitter account that you
7 found this account was also a shamreason Twitter account?

8 A. That is correct.

9 Q. And the Surespot account was then shamreason as well?

00:54:45 10 A. Right. And I only got this screen name because I
11 found it originally posted on that Twitter account.

12 Q. Okay.

13 So is there a date and time stamp on the first
14 communication?

00:54:56 15 A. It's kind of difficult to read, but in the top left
16 corner it says 3/24/2015, March 24, and the time is 6:59
17 p.m.

18 Q. Now also in the upper right, there's also a time that
19 says 3:16.

00:55:13 20 Do you see that?

21 A. Yes. 3:16, yeah the time, correct.

22 Q. Would that be the time you actually took the screen
23 shot as opposed to the communications?

24 A. That is correct. The upper right corner is the time I
00:55:27 25 actually took this picture with a second camera. And so

1 this happened after the conversation.

2 Q. So could you please explain how this conversation
3 starts with the half of the conversation that's here and
4 then filling in the other half of the conversation?

00:55:46 5 A. Sure. I can do my best to try to recall what was said
6 that we can't see in writing.

7 So after downloading the app, and I reached out to the
8 user of shamreason. That person then had to accept my
9 invitation.

00:56:03 10 Upon accepting that invitation, this shamreason user
11 sent me the basic formal Islamic greeting. And then I
12 responded to that. I reciprocated in kind.

13 And then this series of questions were asked, and
14 these are my answers to them.

00:56:22 15 Q. Okay. So your first -- the first line here, would you
16 read that for us? Very slowly, please for the court
17 reporter.

18 A. The first line was my response. This is my
19 reciprocation of the formal greeting was "Wa alakum assalaam
00:56:32 20 wa rahmat Allah ya akhi."

21 Q. Is that in Arabic?

22 A. Yes.

23 Q. What does that specifically mean?

24 A. When someone says may peace be upon you and may the
00:56:51 25 mercy of the law be upon you and may his blessings be upon

1 you. This is saying basically, I hope that also that peace
2 will be upon you and the mercy of the law will be upon you."
3 And my brother. "Ya akhi" means my brother.

4 Q. And the next line is "A stranger passing thru this
00:57:09 5 dunya." What does that mean?

6 A. So dunya means this world, the temporal world, this
7 present life on this Earth in contrast to the afterlife post
8 death.

9 Stranger is a -- obviously stranger is an English
00:57:26 10 word, but it has a very special meaning and really resonates
11 with some Muslims and particularly, in the celefy jihadi
12 community. That group really identifies themselves as a
13 stranger in a foreign lands and they were essentially just
14 passing through this life because this life is just a test
00:57:45 15 in the process of making it to the afterlife.

16 So it's kind of a catchphrase, kind of a typical way
17 of saying like, "You know, how are you doing," in response
18 to that.

19 Q. And then there's "LionofTawheed"?

00:58:03 20 A. Yes, LionofTawheed, that was the name of the account
21 that I was using. So that's kind of how I was
22 self-identifying.

23 Q. And then moving down a little bit, there's the
24 initials "jzk"?

00:58:17 25 A. Yes. So that's just an abbreviation for the Islamic

1 phrase "jazak allah khair", which means may the law reward
2 you.

3 So that's just -- for some Muslims, particularly
4 celefies, that's the standard way to say thank you. This is
00:58:33 5 a substitution for saying thank you.

6 Q. So at this stage of the conversation, are these
7 primarily just common greetings that are being exchanged?

8 A. Yes. At 7:00, I said, "Yes, a brother." And that was
9 likely my response when he asked, "How did you find me? How
00:58:47 10 do I know you? Do we have any mutual friends?"

11 Q. And then this last line at the bottom of the screen,
12 is "Saheeh muslim and al-bukhari." What does that mean?

13 A. Saheeh Muslim and al-bukhari, these are two -- so I
14 was asked a question.

00:59:05 15 The question was, a something to the effect of what
16 are the two highest best authoritative religious sources in
17 addition to the Koran. And this is the answer. So this is
18 my response is two separate volumes of collections pieces of
19 my scholars that compile them.

00:59:28 20 Q. Let's slow down and go make sure the jury and the
21 court reporters got it?

22 A. Maybe if I can clarify in short? I was asked an
23 Islamic question, kind of like a trivia question, and this
24 is my response to the Islamic knowledge question.

00:59:43 25 Q. Is there anything significant about your response?

1 A. Well, I predicted that this was the response that the
2 other user wanted to hear.

3 Q. Why is that?

4 A. Because this -- because the response can allude to a
01:00:02 5 type of Muslim who is in a certain ideological category.

6 Q. And what category are you referring to?

7 A. So, I mean, you could take the Islamic world or
8 different followers of Islam and divide them or categorize
9 them into different sects. And there's a lot of diversity.
01:00:21 10 There's different answers for different questions which can
11 kind of be an indication of what kind of leaning a person
12 has.

13 So this just kind of helps me kind of put someone in a
14 circle. This is -- it's still a pretty broad circle at this
01:00:34 15 point. But, you know, get simply trying to categorize
16 someone's belief system.

17 Q. Can we move to the bottom of the page?

18 Do you see the answer at the top of the screen now at
19 7:04 p.m.?

01:00:55 20 A. Yes.

21 Q. There's a reference to the "Fiqh of spying"?

22 A. Yes.

23 Q. What was this answer in response to?

24 A. So I was asked a question -- well, you can see my
01:01:08 25 answer has to do with the fiqh of spying. The fiqh is an

1 Islamic word which mean Islamic jurisprudence, kind of like
2 how legal rulings are determined in an Islamic way.

3 So I was asked about -- the other user asked me like,
4 "Well, what do I think is the Islamic answer for how you
01:01:26 5 deal with spies?" Which was kind of an odd question for a
6 conversation that started off casual, involved what I
7 perceived to a vetting question on Islamic knowledge.

8 And then the conversation pretty quickly turned to
9 talk about what do we do about this problem of spies and
01:01:44 10 what is the Islamic answer for how to deal with spies. And
11 so my response was like, "I'm sorry, my brother. I'm a new
12 convert to Islam. I'm known as a new revert. I'm a new
13 convert to Islam, and I don't really know about the Islamic
14 jurisprudence for how to deal with spying."

01:02:06 15 I simply said, "I know that it's haram. It's
16 forbidden in al-Qur'an al-kareem." It's forbidden in the
17 Koran.

18 Q. Can we move to page 2, please?

19 And if we can highlight the top of this again?

01:02:23 20 So there's an answer about the third one down now at
21 the top of the page that says, "Death is deserving."

22 A. Yeah, so I gave -- when I was asked about you, you
23 know, what do I think is the Islamic ruling on spying, I
24 didn't really give an answer. I gave somewhat of an answer
01:02:41 25 that, no, it's not a good thing.

1 And then the user answered his own question and he
2 simply said that "Death is the answer." That's how you deal
3 with spies. And he said death. And then I said, "Death is
4 deserving," as a follow up to his statement.

01:02:57 5 So he established that death is the Islamic approved
6 solution for dealing with spies. And I just kind of
7 reaffirmed what he said was the answer by saying, "Death is
8 deserving."

9 Q. The next line there's a reference to the tahgout or
01:03:11 10 tahgout?

11 A. That's pronounced tahgout. It can be literally
12 described as tyrants, or it can be described as a false
13 deity, meaning a false deity that requires itself to be
14 worshipped. I can give examples if you would like, but in
01:03:31 15 the jihadi circles, this is the most common word used to
16 describe the government.

17 The government or the main organized enemies of Islam
18 are given this derogatory label which has a lot of
19 connotations in the Koran.

01:03:46 20 Q. So do you recall why you made that comment on this
21 communication?

22 A. Yes. This person clearly demonstrated they were
23 concerned about spies early in the conversation. And so I
24 presumed that they -- while they were concerned about spies
01:04:02 25 and the government spying, and so I was just kind of playing

1 into that paranoia saying, "Yeah, your right. The
2 government is after us. The tahgout is after us."

3 Q. The next line there's a reference to "amrikis." What
4 is that a reference to?

01:04:17 5 A. So I knew that the user was in contact with my -- what
6 was originally my first target, and he went by the name
7 amrikis, which is just Arabic for the American.

8 And he was asking me like if I knew him, or if I knew
9 about him.

01:04:33 10 And I just gave an evasive answer saying, "Hey,
11 there's a lot of guys out there that call themselves the
12 American, the American." So that's kind of a deflection.

13 Q. Then in the next line there's a reference going to the
14 "Tahgout after mujahideen?"

01:04:51 15 A. Yeah. Mujahideen, that's the word jihadis use to
16 describe themselves. A mujahid is someone who commits
17 jihad. It's literally someone who commits jihad, so
18 mujahideen is plural for jihadis and it simply is a way of
19 saying the authorities are after jihadis is a paraphrase of
01:05:14 20 the same line.

21 Q. If we can get to the bottom half of page 2.

22 Taking a look at the bottom half as we continue in the
23 conversation, there's a reference to "Almost two years."
24 What did you mean by that?

01:05:35 25 A. That was an answer to how long had I been a Muslim.

1 And then -- and I think when I said nothing specific, he was
2 asking like, what do I want to do? I felt like it was a
3 probing question to figure out what am I all about.

4 Q. And answer, "Almost two years," is that just an
01:05:58 5 answer? That's part of the persona you were playing?

6 A. Correct.

7 Q. About two lines down, the end of a response talks
8 about "Not into getting researched."

9 What did you mean by that?

01:06:10 10 A. So the -- I recall in my summary when I wrote up after
11 this conversation that the other user wanted to know what my
12 Twitter account was so that he could research me.

13 And I took that as he wanted to further vet me out.

14 So -- and I just say, "Hey, my purpose for being here
01:06:31 15 is" -- and I can paraphrase.

16 He wanted to delve deeper into my persona. I wasn't
17 trying to accomplish that at the time, so I was trying to
18 deflect it.

19 So I said, "Brother, I'm not -- I'm just looking to
01:06:43 20 keep my eeman high. I'm trying to keep my faith high, and
21 I'm trying to stay with brothers that are after the truth."

22 And I said, "I'm not getting -- I'm not into getting
23 researched." Meaning I'm not here to vet people out. I'm
24 not here to dig deeper. I'm just trying to make friends.

01:07:01 25 Q. And so you -- in your paraphrase, you used the word

1 truth. Is that what haqq means?

2 A. Haqq means the truth. You can see my next line means,
3 "Brother, I mean no offense," the other user did not like my
4 response that I was not playing along with trying to go to
01:07:17 5 this deeper level of getting vetted out.

6 Q. Can we move to page 3, please.

7 And where I want to move you forward on this is in the
8 middle there's a line about "I'm not looking for a level."

9 What was the context of that statement?

01:07:39 10 A. The other user of shamreason, he said that it was
11 necessary for me to give up my social media profile so that
12 I could be researched. And that was a requisite in order to
13 be taken to the next level. He said this is a requirement.
14 This is a commonplace that if you want to go to the next
01:07:58 15 level, it requires getting researched.

16 And I told him I'm not here to get into a contest to
17 pass a test to reach some -- I wasn't -- not here to try to
18 strive for a different level, just here to make friends.

19 Q. If we could go back just to the full screen of page 3.

01:08:16 20 And if we could move on to page 4, please. Of Exhibit
21 3.

22 That's because there's only three pages.

23 So, Agent Jane, how did this conversation finish?

24 A. Well, I actually terminated the conversation at 7:18.
01:08:45 25 You can see I gave the Islamic greeting which is also used

1 to say goodbye essentially.

2 So once this person was trying to probe further and
3 wanted more from me than I wanted to give up at the time, I
4 basically said, "I'm done talking with you" and said
01:09:00 5 "Goodbye."

6 However, the other user still kept the conversation
7 going up and you can see I had to respond to another
8 question at 7:26.

9 I don't really remember what the question was. But it
01:09:13 10 prompted me to say that, "Hey, we need to be careful. We
11 need to be smart on the lookout out of concern of the
12 government spying."

13 And then I gave an answer of theoretical, I guess. I
14 don't remember the exact question, but I know it was a
01:09:27 15 pretty pointed question to where the user was asking, like,
16 you know, do I want to do something in kind of the physical
17 realm or just theoretical. And I responded with
18 theoretical. I was just trying to give kind of an answer
19 that I wasn't really fixated on going in any certain
01:09:49 20 discretion here.

21 Q. Did you later come in contact online with this same
22 person you believed to have been communicating with using
23 this account?

24 A. Yes.

01:09:57 25 So when I created this account, there are only two

1 people that I communicated with. I only used this account
2 for two people. One was my first target and the other one
3 was for sham_reason.

4 So I had that account, besides communicating with
01:10:12 5 those two people, I didn't use it for anything else. And a
6 few weeks went by and I had contact with a third account.
7 And the user of that third account said, "I see that you're
8 still using your same account."

9 In other words, by the time I communicated with a
01:10:30 10 third account, that person said essentially conveyed, "I
11 know you. I see that you're still using this same account."

12 So I knew it had to be one of the original two that I
13 communicated with.

14 Q. And if we move forward to Exhibit 2, please.

01:10:49 15 There's -- if we can go to page 2 of Exhibit 2.

16 So first, Exhibit 1, were those the set of screen
17 shots that you took of your communications with shamreason,
18 the first exhibit we just finished with?

19 A. Yes.

01:11:11 20 Q. Now, what does Exhibit 2 appears to be?

21 A. Okay. So the context is I noticed that there was
22 another Twitter friend of my original target using this
23 Twitter account.

24 Q. And what Twitter account is that?

01:11:25 25 A. This is sahabatimesnow. The screen name is

1 overyournoses with the running man on fire. So I noticed
2 that this account was a mutual friend of my primary target.
3 And, you know, essentially, you know, on Twitter you can
4 have essentially, you know, kind of a group conversation, or
01:11:48 5 you can post -- you know, you can tweet things that can be
6 seen by everybody.

7 And I tweeted a picture of a tent in a desert
8 landscape, kind of like a camping trip in the desert.

9 And what I posted that, or when I tweeted it, I tagged
01:12:07 10 it with the Twitter account for this user and for the -- my
11 original target so it would come to their attention.

12 And once the user of this Twitter account saw that
13 picture of a tent in a desert landscape, he responded with
14 this tweet here.

01:12:26 15 Q. And you made a statement earlier about a running man
16 on fire.

17 Were you referring to the profile picture of this
18 account?

19 A. Correct.

01:12:34 20 Q. For @sahabatimesnow?

21 A. Correct.

22 Q. And what does sahaba mean?

23 A. Sahaba is another Arabic word and it has a very strong
24 Islamic meaning. And it refers to the close companions of
01:12:48 25 the Prophet Muhammad and the first generation of Muslims in

1 Saudi Arabia.

2 Q. So after this tweet, did you have additional tweets
3 back and forth with the picture you had posted?

4 A. Yes. All of my communication on Twitter with this
01:13:07 5 user was -- I have screen shots for it.

6 Q. And if we could please move forward to the next page?

7 A. So this was the beginning of kind of a short
8 conversation or dialog about the picture that I posted or
9 tweeted.

01:13:20 10 Q. So on what is page 3 of Exhibit 2, there's a screen
11 shot where there's like some kind of bar in the middle with
12 like a phone shaking.

13 What is that?

14 A. That was my poor attempt to get a screen capture or a
01:13:36 15 screen shot of this screen. So simply it's the volume
16 button for my phone that got inserted on top of the screen
17 shot.

18 But you can see underneath it that the Twitter handles
19 for both my primary target and the second user are visible.

01:13:52 20 I mean sahabatimesnow and AbdulRa103. And then the
21 line of text below that is my tweet in continuation of the
22 comments about the tenths in the desert picture.

23 Q. And what was your response?

24 A. "This ain't the only desert I've been to."

01:14:12 25 Q. Can we go to the next page, please, page 4?

1 And what else did you respond that's on page 4?

2 A. So the user of the Twitter account, sahabatimesnow
3 first brought up a concern that I tweeted out a picture that
4 could have a geographic location tied to it. He said he
01:14:33 5 wasn't sure that if I meant that only for the other brother
6 to view it or if I accidentally tweeted out a picture to the
7 public that I maybe should keep private.

8 And I just respond the saying, "Hey, there is no
9 worries about this. This is simply a picture in the desert.
01:14:53 10 There's no time stamp associated with when that picture was
11 taken. There's no geo location tagged to the picture. No
12 faces, no identities."

13 In other words, there was nothing that that picture
14 could be used to tie back to my true identity.

01:15:09 15 Q. And what date and time was this exchange taking place?

16 A. This happened on April 8, 2015.

17 Q. And what file was this message or tweet?

18 A. The tweet is at 10:26 a.m.

19 Q. Did this conversation eventually transition to a
01:15:26 20 Surespot account?

21 A. Yes, it did.

22 Q. And how did you learn the Surespot account name of the
23 person you were communicating with?

24 A. So I think after, you know, a short volley of tweets
01:15:39 25 back and forth, this Twitter user then sent me a direct

1 message, a single message to only me, where he provided a
2 Surespot account.

3 Q. Okay. If we could move forward to page 14 of Exhibit
4 2.

01:15:53 5 I'm sorry, not Exhibit 14, but page 14 of Exhibit 2.

6 And let's move -- taking a look at page 9 of Exhibit
7 2, there's a date and time stamp?

8 A. Correct. April 8, 2015 at 10:32 a.m.

9 Q. Okay. And if we could move forward to page 10,
01:16:58 10 please.

11 And then page 11, please.

12 So is this a tweet or a direct message?

13 A. So this followed the exchange of tweets back and
14 forth. And this is a direct message sent by the user of
01:17:22 15 that Twitter account privately to my Twitter account.

16 Q. And what is the time on this?

17 A. This is 10:34 a.m.

18 Q. Was this the same day as that other exchange of tweets
19 we just saw?

01:17:35 20 A. Yeah. I mean it followed a few minutes after we had
21 that, kind of tweet and Twitter conversation.

22 Q. And if we could move forward please to page 12. And
23 enlarge the top, please.

24 So previously there was a redaction in part of the
01:17:55 25 communication.

1 Does this show the unredacted communication?

2 A. Yes, so "Ss" stands for Surespot. It's, in this
3 community of online users, this abbreviation is commonly
4 understood to mean Surespot.

01:18:09 5 And then it's followed by the Surespot screen name.

6 Q. And what was that screen name?

7 A. Lovethehaqq.

8 Q. And what was the time of this communication again?

9 A. 10:34 a.m.

01:18:22 10 Q. Did you indeed communicate with lovethehaqq and
11 Surespot?

12 A. I did.

13 Q. If we could please pull up Exhibit 3.

14 What is Exhibit 3?

01:18:33 15 A. So this is a screen shot of half of a conversation.
16 What you see are the -- the text is from me. And you can
17 see on the very top center it says, "LionofTawheed."

18 That was the name I was using at that time. And the
19 person I was communicating with has the Surespot screen name
01:18:53 20 of lovethehaqq. And you can see this happened -- if you can
21 see the date and time, it's on April 8, 2015 at 10:36 a.m.

22 So, you know, this is a matter of minutes following my
23 receipt of that Twitter direct message.

24 And then I should point out or remind everyone that
01:19:12 25 the user of this abruptly and unexpectedly deleted the

1 account. Immediately after the conversation such that I
2 lost the -- the half of the conversation from the user. So
3 we just have my half.

4 Q. Is that first line your greeting back to this person?

01:19:31 5 A. Yeah. So as instructed on Twitter, I sent an
6 invitation to the user of *lovethehaqq*. That person accepted
7 the invitation and then initiated the conversation with me.

8 So my first line of text is the reciprocation of that
9 initial greeting.

01:19:49 10 Q. There's an answer you give, "So we've talked b4?"

11 What did you mean by that?

12 A. So the other user very quickly pointed out that, "Oh,
13 you're still using this estimate account, this same line of
14 Tawheed account." So he knew me or he recognized my
01:20:05 15 account. And, again, I've only used this account with two
16 people only.

17 And so I just highlighted that, that he must be
18 familiar with me.

19 Q. And you said there were two people that you had
01:20:17 20 previously used this account, the original target and then
21 the shamreason.

22 Is there any reason why you believed this -- the
23 person communicating to be one or the other of those two?

24 A. Well, I knew it was not my original target because I
01:20:32 25 was communicating with him ongoing on a -- on his separate

1 Surespot account. And you can only have one Surespot
2 account for one phone.

3 And I already had an ongoing almost daily conversation
4 the original target. So I had high confidence that this was
01:20:51 5 a different person, this was a separate person.

6 And there's only two people that were aware of my
7 address, so to speak, my Surespot contact information.

8 Q. There's also a comment about "Never linking your
9 Surespot account with your Twitter account."

01:21:08 10 What did you mean by that?

11 A. So I could tell this person was very concerned about
12 privacy, and, you know, spies and detection by the
13 government. And so to assure him that I was kind of a safe
14 person to communicate with, I gave him an insurance that I
01:21:22 15 would not link my Surespot contact information on a Twitter
16 account that potentially could be seen by the public.

17 I was just trying to deomonstrate that I was using
18 some kind of communication security, or I was very conscious
19 of it, as well, because I could tell the other user was
01:21:40 20 concerned about this sort of thing.

21 Q. There's also reference to "Good naseeha." What does
22 that mean?

23 A. That means good advice.

24 Q. What happened at the bottom of this page?

01:21:52 25 A. If I could add, when I said you're full of good

1 advice, it was because the other user said, "Hey, I've been
2 using the same account for too long," or he noticed that I
3 had used this same account for, at this point, a couple
4 weeks. And he was surprised that I hadn't deleted it and
01:22:08 5 changed it and turned it over.

6 And so I was just saying, "That is a good idea. Good
7 point. I should kind of rotate my accounts through."

8 Q. And did he mean your Surespot account you were using?

9 A. Yes.

01:22:20 10 Q. So what happened then at the bottom of this page in
11 the communications?

12 A. So he instructed me -- he either instructed me that he
13 was going to create a new account or that I needed to create
14 a new account. And so there was an anticipated transition,
01:22:35 15 that someone was going to make a new account. And I said,
16 "Okay. Just a minute, give me a minute so I can set this
17 up."

18 Q. Okay. Can we go to the next page, please.

19 So taking a look at page 2 of Exhibit 3?

01:22:49 20 A. Right.

21 Q. What does -- what does the user names at the top
22 indicate to you?

23 A. Yeah. So as I previously said, the other user pressed
24 the importance of changing accounts. And so I followed his
01:23:05 25 guidance and I created a new account.

1 And so my account is at the very top center, and it's
2 "jundullah" which means soldier of Allah, and I was still
3 communicating with the user of lovethahaqq. So this is my
4 second account still talking to the first person.

01:23:25 5 Q. During your communications with this person, was this
6 a common occurrence to change accounts?

7 A. With this person?

8 Q. Yes.

9 A. Yes, this became the norm.

01:23:31 10 Q. And would that also include the other person changing
11 their accounts?

12 A. No, at this point I never talked with anyone who had
13 such discipline or consistent behavior of varying their
14 accounts. I never under countered anyone who was
01:23:46 15 essentially so paranoid or really had a practice of not
16 leaving a trace.

17 Q. So just taking a look at this screen, can you just
18 briefly explain to the jury what this conversation is about?

19 A. You know, reciprocating with the greeting, the first
01:24:02 20 line.

21 You know, I said, "So you mix it up a lot," and I was
22 referring to his demonstrated behavior of, you know, trying
23 to not leave a trace, an electronic trail of his activity.

24 I just told him that I -- you know, I talk to very,
01:24:17 25 very few people. You know, conveying that I keep a pretty

1 small circle, that I won't and risk to him.

2 And that, you know, I said in the middle there, only
3 if I first have a reference from someone I know in real
4 life. I was just conveying that I'm very selective with the
01:24:33 5 people that I'll interact with.

6 The question about you have the water problems? That
7 was some kind of reference to the geographic region of the
8 southwest because at the time in April of 2015, there was a
9 drought, it was a major headline in the news about a drought
01:24:52 10 in the southwest. And so I think we -- there's some
11 reference to that geographic area.

12 Q. Okay.

13 A. There's obviously there's some Islamic phrases in
14 there.

01:25:03 15 Q. Can we please move to page 3 of this exhibit?

16 Now, on page 3 there is a reference, the second line
17 down to at that "ar-Razzaaq comment to you earlier," what
18 was that a reference to?

19 A. I don't remember the details of it. It was a while
01:25:25 20 ago. So I made a tweet, or a comment invoking one of the
21 names of Allah, one of the 99 names of Allah, ar-Razzaaq and
22 I was trying to see if he observed that or not.

23 And then in the same portion of conversation, I recall
24 that he was asking me if I was in Ohio, or if I knew the
01:25:46 25 brother, you know, a brother, or the brother in Ohio.

1 He seemed to indicate that he knew someone in Ohio.

2 I think he was asking me if I knew him.

3 Q. And did you make another reference to having been a
4 Muslim for two years in this communication?

01:26:06 5 A. Yes. In the middle, you can see I said "Almost two
6 years in the deen." That just means in the religion.

7 I asked him how long had he been a Muslim.

8 Q. And if we can move to page 4, please. I'm sorry, 3 of
9 3.

01:26:25 10 At the very bottom there's an answer by you about
11 encouraging to hear brothers still striving after 20 years?

12 A. Yeah, that was because he told me that he had been a
13 Muslim for about 20 years. And so I was just telling him
14 that's great to hear. Good to know.

01:26:39 15 Q. Okay. Was there a change in communication accounts
16 after this communication with lovethenhaqq? Did he again
17 change -- was there a change in the account he was using
18 from lovethenhaqq to something else?

19 A. Yeah, and you can see what the -- the continuation of
01:27:02 20 this conversation. There's another deliberate transition
21 involving a new account.

22 Q. So we just moved on to page 4 of Exhibit 3.

23 At the top, is that that reference to still striving
24 after 20 years; that your response to his answer about how
25 long he had been a Muslim?

1 A. Yes. And that was just my way of trying to elicit
2 kind of biographical data point. It kind of helps us narrow
3 down an age range of who I was talking to, if they had
4 presumably been an adult and a Muslim for 20 years.

01:27:57 5 Q. And that other target that also had your Surespot
6 account, was this information consistent with that target?

7 A. No.

8 Q. So did this also help you identify who you were
9 communicating with?

01:28:10 10 A. Yes. I mean, I had high confidence that I was talking
11 to two different people, the only two people who had my
12 account information. And they're separate conversations.

13 Q. Towards the bottom third, there is a reference in one
14 of your answers to "I'm not sure what you mean about the
01:28:28 15 grid.

16 What was that in response to?

17 A. The user impressed an importance on staying off of the
18 grid. And, you know, he just used that term. And I want to
19 know, well, how would he define staying off of the grid.

01:28:45 20 Q. And what was his response?

21 A. Well, he, later in the conversation, gave kind of a
22 list of criteria or ways to stay off the grid, which is
23 basically to disconnect from society, not leave an
24 electronic trail, kind of get up and move around, you know
01:29:03 25 and there's other places -- once we have -- after this

1 conversation, I have the full consideration, both sides of
2 the conversation, where he gives pretty clear guidance for
3 how I can stay off the grid and not really be traced or
4 tracked.

01:29:18 5 Q. If we could move not next page, please.

6 So at the bottom of this page, there's a couple of
7 answers. It's a continuation of the conversation. At the
8 very bottom where it's, "Huh. Okay." And then the letters
9 "iA"?

01:29:32 10 A. Right.

11 Q. What was going on there?

12 A. Yeah, so I'm pretty sure that at this point he
13 informed me, "Hey, I'm going to transition to a new account.
14 I'm going to dump this one and create a new one." And I
01:29:44 15 responded with "Okay."

16 And he said something like "I'm signing off." And the
17 "iA" stand for the praise inshllah which means God willing.
18 It's just abbreviation, shorthand for saying God willing.

19 Q. And throughout your testimony if you see these
01:30:02 20 letters, is that what it means?

21 A. Yes.

22 Q. And what was the date and time of the last entry?

23 A. 10:56 a.m. and April 8, 2015.

24 Q. And did he transition to a new account then?

01:30:12 25 A. Yes. So I think the next -- my documentation of my

1 communications will show that I received a message from a
2 different account. I maintained my current account, but I
3 received an invitation to communicate with a new account.

4 Q. If we could please move to Exhibit 4.

01:30:30 5 And what is Exhibit 4?

6 A. So again, the top center, that's my screen name, my
7 account. And then this is a newly created account and it's
8 called cantdeny.

9 Q. And what is the date and time of the first entry?

01:30:49 10 A. 10:58 a.m., so about two minutes later from the
11 previous slide, I received a message from the user of this
12 account, and it says, "Bismillah," which just means in the
13 name of Allah, which is a common Islamic practice of kind of
14 initiating the conversation or initiating something. They
01:31:09 15 simply say they're going do in this in the name of Allah.

16 Q. So there's also now some blue lines, sort of indented
17 from the left edge of the screen. What do those blue lines
18 indicate?

19 A. So at this point, you know, the deletion of the other
01:31:23 20 accounts, the previous accounts, was unexpected to me. And
21 so I wasn't able to take pictures with a separate camera of
22 those.

23 At this point, I anticipated this regular turnover of
24 new accounts and so I was better prepared and was able to
01:31:40 25 capture both sides of the conversation.

1 And so the text with the blue line, that's from the
2 other user. That's from the user of cantdeny, and without
3 the blue line, those are texts from me.

4 Q. Is there a continuation of your previous conversation
01:31:58 5 about being on and off the grid?

6 A. Yes, we didn't miss a beat. It was a pretty smooth
7 transition. This user clearly knew the content of the
8 conversation we had just a few minutes earlier.

9 Q. Now, when you're using the social media applications,
01:32:12 10 are there times when the questions and the answers don't
11 fully match up?

12 A. Yeah, it's just the nature of instance messaging. One
13 person could pose a question or make a statement. And the
14 second person, by the time they respond, there's a few more
01:32:27 15 lines of text inserted between the original question and
16 answer.

17 So sometimes it may take a little bit of explanation
18 to kind of connect, you know, an exchange of texts, you
19 know, the lines.

01:32:39 20 Q. Okay. We can please move to the next page.

21 And so some of these we're going to skip through. But
22 I just want to ask, was the conversation continuing online
23 with this individual?

24 A. Yes. Yeah. And in this case it was -- you know, the
01:33:00 25 topic of the conversation continued, which was basically how

1 to hide your identity and stay off the grid.

2 Q. And when you're taking these screen shots, are there
3 times when the new information might only be one line at the
4 bottom?

01:33:12 5 A. It depends on the application that we're using at the
6 time. But that certainly can be the case. Yes.

7 Q. If we can -- we're going to skip ahead to page 4 of
8 Exhibit 4, please.

9 There's a comment in -- you make a comment, "Good
01:33:30 10 practice, tie up our camels." Was does that mean?

11 A. So the user of cantdeny had been coaching me again on
12 how to essentially hide my identity. And there's just kind
13 of a common Islamic way of saying like "That's a good
14 practice. I need to follow through on that."

01:33:50 15 And kind of the idiom is "tie up your camels," which
16 means take responsibility for your actions.

17 Tie up your camels so they don't wander off. You need
18 to have trust and fate in the law, but you also have to be
19 responsible for your actions.

01:34:05 20 Q. There's also a comment by cantdeny about, "I like that
21 desert and I was just through that way not long ago."

22 What was that a reference to?

23 A. Well, the genesis of our conversation was, you know,
24 the picture that I tweeted of a tent in a desert landscape.

01:34:25 25 Q. So did this connect to this conversation back to that

1 Twitter conversation you had?

2 A. Yes. And along the way, we made references to the
3 southwest as well. So, you know, a U.S. based desert.

4 Q. And at the very bottom there's a reference to an app
01:34:43 5 called Wickr. What is that?

6 A. So Wickr is another encrypted messaging application,
7 peer-to-peer. It's foreign owned. At this time, it was
8 known in the intelligence community to be used by jihadis,
9 and it's just a very safe way to have encrypted private
01:35:03 10 conversations.

11 And it also has a feature to allow for auto delete or
12 self-deleting of messages that are set on a timer.

13 Q. If we can move forward to page 5, please.

14 So what's the conversation about on page 5?

01:35:26 15 And starting about a third of the way down?

16 A. Okay. So, you know, he recommends me looking into use
17 of this application Wickr.

18 And he was probing about where I was located at and we
19 were talking again about that picture. And I just said,
01:35:41 20 "I'm in the southwest of the U.S."

21 And he made a reference to Arizona and New Mexico and
22 that was a reference to the picture that I had tweeted out
23 originally.

24 And he seemed to be familiar with the area and was
01:35:54 25 trying to kind of pinpoint like was that picture taken in

1 Arizona or New Mexico, and I said he was pretty close. And
2 he said okay.

3 Q. When you say, "A little north," was there a particular
4 location you were trying to use in your persona?

01:36:08 5 A. So, you know, I was keeping it somewhat general, but
6 there's, you know, in that area is Nevada and southern
7 California as well.

8 Q. Is there a reason why you won't just come out and say
9 where you're from in a conversation like this?

01:36:22 10 A. Yeah, it has to do with my trade craft, and I have to,
11 given that a lot of this is notional, I have to be careful
12 how I box myself in and where I say I'm from.

13 Q. If we could move to page 6, please.

14 Does this conversation continue about where you're
01:36:42 15 located?

16 A. Yes, and also his interest in that type of area.

17 Q. So there's a statement you make, "Still huge wide open
18 area."

19 What was his response?

01:36:55 20 A. So talking about the southwest and kind of the desert
21 area, he said, "Anyway I seen it because I was looking for
22 off-the-grid locations."

23 Q. And then what else does he continue to say in this
24 conversation?

01:37:12 25 A. So it seems like he had an interest in that type of

1 terrain or that region. However, he doesn't like the local.
2 So he seems to like the rural area of the southwest and
3 doesn't seem to be fond of redneck people.

4 Q. If we could please move to page 7.

01:37:32 5 So there's a comment right in the middle of the page,
6 a reference to "Mushrikeen." What does that mean?

7 A. So I think we kind of agreed that we -- my persona
8 didn't care for rednecks, like him.

9 So I said, "I am not trying to be racist, but they're
01:37:57 10 all kind of the same to me because they're all Mushrikeen."

11 And Mushrikeen is a term, an Islamic term -- it's one way of
12 saying people that are nonMuslims. More specifically, it's
13 people that worship other things besides Allah.

14 Q. And what was his response?

01:38:17 15 A. He said that's the truth. Because I basically said,
16 "Hey, if you're not a Muslim, then you're all the same to
17 me. It doesn't matter what color you are. If you're not a
18 Muslim, if you're someone who commits the Islamic term of
19 shrik, that makes you a mushrik or mushrikeen or nonMuslims,
01:38:38 20 and that puts them all in one category, and he responded
21 with the word haqq which means the truth, as if I had just
22 spoken the truth.

23 And that kind of gave me some insight as to how he
24 views the world or how he views nonMuslims.

01:38:54 25 Q. He also asked you a question whether you're working,

1 and he says, "Don't tell job."

2 What did you take that to mean?

3 A. He was wondering if I was working, but he didn't want
4 me to give up specific biographical information about
01:39:07 5 myself.

6 Q. Is that consistent with your interactions in these
7 kinds of cases?

8 A. No. That's odd. It's odd that you would have a
9 lengthy conversation with someone where, you know, the other
01:39:18 10 party doesn't want to know biographical information and is
11 also careful about giving it up as well.

12 Q. Can we please move to page 8.

13 And then go ahead and move to page 9, please.

14 There's a comment by him about, "Yes" -- starting
01:39:44 15 "Yes, we must tie our camels."

16 What did you take that to mean?

17 A. Yes, the idiom means, you know, "We need to be
18 responsible and take actions. We can't just have kind of
19 faith and hope things work out."

01:39:59 20 Q. And then there's a comment about "putting the camels
21 in safes and handcuffs"?

22 A. Yes. And -- I mean, you can interpret that, you are
23 just concerned about people getting arrested by use of the
24 word "handcuffs."

01:40:13 25 And by the way, right before this I use the term

1 "Al-walaa' wal-Baraa," which means love and hate. It's an
2 Islamic doctrinal concept that's heavily emphasized by
3 jihadis, particularly ISIS, ISIS kind of brand themselves as
4 those that optimize this phrase and he responded with two
01:40:37 5 "Yeses" after I mentioned that phrase.

6 Q. There's also a comment by him, "If we were going to
7 travel this path."

8 What did you take that to mean?

9 A. So he had an idea of traveling down a path. And this
01:40:51 10 path, up to this point, as he described involved living off
11 the grid and -- just before this he mentioned handcuffs and
12 taking responsibility for ourselves.

13 So I think you could infer that the path that he had
14 in mind, the path traveling down involved doing something
01:41:13 15 that may involve handcuffs, and it was important to avoid
16 detection and the government.

17 Q. Okay. And move to page 10, please.

18 And so the conversation continued; is that correct?

19 A. Yes.

01:41:30 20 Q. Go to page 11, please.

21 There's an exchange by him at the top of page 11.
22 Could you please explain that for the jury?

23 A. Yes -- do you mind if we go back one page just so I
24 can see the context of what I said?

01:41:46 25 Okay.

1 Q. Sure. We've gone back to page 10 of Exhibit 4?

2 A. Yeah, so we have to have fear of the Allah and the
3 predestination of Allah and if we do that, that will drive
4 out any of our human fear.

01:42:03 5 And I said at 11:15, "Too much blaming without daleel
6 hurts the ummah." That means too much blaming or making
7 excuses without proofs or evidences, that hurts the Islamic
8 community, the ummah.

9 Q. And if we move to page 11, his response to that?

01:42:20 10 A. And then he said, "We need to believe that Allah is
11 with us or not." And he says, "I know, brother. And it
12 hurts." "Wallahi" means it hurts, I swear by Allah it
13 hurts, and then he said, "I keep my chopper ready by my
14 door."

01:42:37 15 Q. In your experience, what is chopper a reference to?

16 A. Chopper is a slang used for assault rifle.

17 Q. At the bottom of this page, there's a comment by you
18 about saying, "It's a war of religion."

19 What was your purpose in making that comment?

01:42:50 20 A. So by saying "it's a war of religion," that means, if
21 you look at the term war of religion, that's a -- that can
22 be interpreted as a war of ideas, I'm not talking about
23 physical war here. I'm talking about war of belief system.

24 If the other user, if someone else want to make this a
01:43:09 25 physical war, well, that's -- that's their decision or their

1 prerogative.

2 But I was simply acknowledging that this other user
3 was kind of dividing people in the world into Muslims and
4 nonMuslims. And so I was just kind of reaffirming that I
01:43:27 5 think the same way and that I see that this is a war of
6 religion.

7 Q. If we could move on that page 12, please.

8 Did the -- did this person you were talking to have
9 discussions with you about other forms of encrypted
01:43:45 10 communications?

11 A. Yes.

12 Q. And was this -- is this an example of one of those
13 communications?

14 A. Yeah.

01:43:51 15 Q. At the bottom of the page?

16 A. Yes, KIK is the name of another encrypted messaging
17 application. And I mentioned that and then he gave his
18 opinion and whether or not that was an encrypted app that he
19 and I should be using.

01:44:08 20 Q. If we move on to page 13, please.

21 There's also a reference here to his response, the
22 third one down, about, "When I ask brothers to go to another
23 app, they think I'm them boys or something."

24 When did you take that to mean?

01:44:23 25 A. So, them boys is probably a reference to the

1 government, meaning agencies that, three letter agencies.
2 That's what I would interpret that when he mentioned them
3 boys.

4 Because he was talking about his behavior of changing
01:44:41 5 all these accounts. And what I inferred that he was saying
6 is that other people find this behavior suspicious, too.
7 And other people that he does this with, find it so
8 suspicious that they think he might be the spy. He might be
9 an agent of a government agency.

01:44:59 10 Q. And there's -- is there also reference in this page to
11 that earlier target that you talked about starting this
12 investigation?

13 A. Yes, so at 11:20, the user of this account says, "I
14 have it," meaning he has another encrypted messaging app
01:45:17 15 called Chat Secure. So he has it. And he says, "I taught
16 your friend about it and he taught you about it." And that
17 is consistent with my communication with my original target
18 who I knew he was a friend of.

19 And here he tells me that he taught the other guy
01:45:34 20 about Chat Secure, which I confirmed because that was the
21 case when I was talking to the original target, he told me
22 that this user was also using Chat Secure and he was
23 actually trained on it by this user, the original target was
24 trained on how to use Chat Secure by the user of cantdeny.

01:45:55 25 Q. Now, at some point, did this cantdeny ask you about

1 any skills that you had?

2 A. Yes, he did.

3 Q. If we can move forward to page 14, please.

4 Did he also ask what your age was?

01:46:07 5 A. Yes.

6 Q. And do you see that on page 14?

7 A. Yes.

8 Q. Where is that?

9 A. So at 11:22 he asked me if I was "Over or under the
01:46:18 10 age of 30."

11 Q. And then what did he ask you next?

12 A. If I had "Any specific skills that were noteworthy."

13 Q. If we can move to page 15, please.

14 What did you mean by your response in the middle of
01:46:34 15 the page, "Yes, but I shouldn't say, not here."

16 A. So this person had generated behavior of being
17 concerned about revealing his identity, and so I was trying
18 to play into that, too, that I wasn't going to give up all
19 of my personal information as well.

20 And -- because I figured that he would probably
21 respect that. He would have regard for that, that I was
22 being smart just like he was being smart, smart and careful.

23 And so that's why I was -- I was purposely evasive.

24 Q. Can we move to page 16?

01:47:06 25 A. And I also -- earlier we had talk about the encryption

1 capabilities of Surespot, and it did have some shortcomings.
2 And so because he told me that he didn't think Surespot was
3 the best way to communicate, the safest way to communicate,
4 I said that this is -- this isn't the place for me to say
01:47:24 5 here. Because I figured that he would recognize that I had
6 some criteria and discretion for how to use the best
7 security.

8 Q. So at the top of page 16, what does he tell you?

9 A. "Well, brother, here is where most brothers get stuck.
01:47:42 10 Soon we have to meet inshallah." "IA" means if God wills
11 it.

12 Q. And what did you take that to mean?

13 A. So, "Well, brother, here is where most brothers get
14 stuck," I inferred that brothers getting stuck with
01:47:58 15 like-minded Muslims like him who get in trouble with the
16 law, or who get compromised.

17 Q. There's also some discussion about making sure you're
18 not some other brother.

19 What was that about?

01:48:15 20 A. I think that this was a reference to -- we talked
21 about earlier about a brother in Ohio. And it seemed that
22 he had lost contact with him, this other brother in Ohio.
23 Made his conversion to Islam while he was in high school, he
24 took the Islamic statement of fate called the shahhadah.

01:48:38 25 And it seemed like I was looking for him or he wanted

1 to see if maybe I was him or if I had knowledge of that
2 other brother in Ohio.

3 Q. If we can move forward to page 17.

4 01:48:55 There's a statement towards the bottom of this page
5 made by cantdeny that says, "It's an honor to live during
6 these golden times."

7 How does that fit into the ideology of these cases?

8 A. 01:49:13 Well, it was a significant statement to the other
9 person in my opinion. And so he invoked this issue of honor
10 and these golden times. And I think that you could look at
11 the historical events that had taken place certainly in this
12 time period, which included the emergence of the ISIS
13 caliphate, and this is consistent with kind of the image
14 that ISIS tries to put out with their media, certainly as
01:49:35 ISIS media and marketing would put out the time about this
15 being the golden time, the golden era, the revitalization of
16 Islam, reemergence of Islamic caliphate and also ISIS came
17 out with a money currency called the Golden dinar.

18 01:49:55 So it was -- there's certainly the correlation existed
19 between his use of golden times and similar imagery that
20 ISIS had used to self-brand.

21 Q. If we can move to page 18, please.

22 01:50:18 In the middle of the page there's a statement by you,
23 "al-Khillafah finally."

24 What did that mean and what was the significance of

1 that statement by you?

2 A. So al-Khillafah literally means the caliphate in
3 Arabic and there's only one self-proclaimed caliphate in the
4 world and that's the ISIS caliphate.

01:50:33 5 So when he was making these illusions to the golden
6 times, I wondered if that was what he was thinking so I just
7 threw it out there. In a very short phrase, "The caliphate
8 finally."

9 I just wanted to see, you know, if that would elicit a
01:50:49 10 reaction.

11 Q. And did you get a reaction?

12 A. He did. You see -- at 11:30 is what I think was the
13 reaction to my statement about the caliphate. And it was,
14 "It could be very costly."

01:51:04 15 Q. If we could move to the next page, please?

16 A. So, in other words, you know, when he said, "It could
17 be very costly," is I suspect he may have meant that it's
18 costly to recognize the caliphates of ISIS.

19 Q. And in the middle of that page, what did he tell you?

01:51:22 20 A. He said, "Well, brother, you are not alone."

21 I first said, "Good passion has to be combined with
22 good judgment."

23 And then he says, "We have land and are building.
24 That's all I can say."

01:51:37 25 Q. What did you think that meant?

1 A. Well, I didn't have any reason to think that he didn't
2 mean exactly what he said, "We have land and are building."

3 To that point, he introduced this issue of having land
4 and building. And there was no other reason for me to not
01:51:55 5 take him for his literal words.

6 Q. And then what did he tell you at the bottom of the
7 page?

8 A. "We are in need of money and referrals."

9 Q. And if we could move to page 20, please.

01:52:08 10 What was your response to that?

11 A. The phrase "Allahu akbar," which means
12 "God is great," essentially what it means.

13 Q. And why was that in all capitals?

14 A. Well, my persona, I decided to respond with some
01:52:25 15 excitement because he said he is in need of money and
16 referrals.

17 So I could tell that he was taking on some kind of
18 project. He needed land. And he's building. And needed
19 money. So that tells me he is trying to do something
01:52:37 20 tangible. And when he is trying to find referrals, I'm
21 assuming he meant people, he was trying to find other
22 people. So I just gave a response that was excited about
23 what I suspected he was trying to do.

24 Q. And what was his response to that?

01:52:50 25 A. Well, he did confirm that he was looking for people by

1 saying, "Men and women." And Mashallah means may Allah be
2 praised.

3 Q. If we can move forward to page 21, please.

4 Actually, if we could move forward to page 22.

01:53:15 5 So there's a discussion on page 22, it appears, about
6 animals. What was this about?

7 A. So, you could see his comments from the beginning,
8 they're, you know, "But promise, brother. Learn the proofs
9 of this work. Make fit your body, mind, and never, never
01:53:35 10 allow the element of spies to make you a coward."

11 And then I responded with "I ran like a cheetah once
12 but didn't make it."

13 That was a very kind of metaphorical statement that I
14 made that didn't pin me down to anything and I just wanted
01:53:50 15 to see how he would respond to that.

16 At the time there was a trend of thousands of
17 travelers leaving the west to include the U.S. to go to
18 Syria and join ISIS.

19 And so I just threw out that phrase there to see, you
01:54:05 20 know, see if he might suspect that that's what I meant when
21 I said, "I ran like a cheetah once but didn't make it."
22 Meaning I tried to do something, tried my hardest, but just
23 didn't quite finish.

24 Q. And what was his response?

01:54:19 25 A. Well, he seemed to like that statement, with his

1 comments.

2 Q. Did he take that as a joke?

3 A. Well, definitively, I don't know. But you can
4 see -- then I, with his statements at 11:38, that he thought
01:54:37 5 that this was significant because whatever I was talking
6 about, he said, "If it resulted in" -- well, I'll read his
7 statement at 11:38. It says, "If you are killed, then that
8 is what you sought. Don't allow yourself to be imprisoned."

9 So I started with just --

01:54:54 10 Q. If I can back you up a second. Immediately before
11 that, what animal had you been referring to?

12 A. Well, I tried the cheetah, and then I mentioned the
13 lion.

14 Q. Is there any significance to the lion in ISIS imagery?

01:55:08 15 A. So of all kinds of mascots or animals, ISIS uses the
16 lion most frequently.

17 Q. And if we could move to the next page to get his full
18 response. What was his full response?

19 A. So I purposely was just using this kind of vague
01:55:27 20 imagery of mammals, Cheetah and the lion, to see if to that
21 elicit a response from him and where he would further
22 clarify or define what that should mean in his mind.

23 And when I made the lion statement, just an animal
24 statement, and he said, "If you are killed, then that is
01:55:46 25 what you sought. Don't allow yourself to be imprisoned.

1 That is humiliation and it pleases the kuffs." And kuffs is
2 what I interpreted to mean a reference to Kuffar. And
3 Kuffar just means the disbelievers, nonMuslims,
4 disbelievers.

01:56:02 5 Q. You also make a reference to a green bird about two
6 thirds of the way down. What does that mean?

7 A. Yeah. So I'll read the statement, "But it has to
8 count. Green bird is one thing. The most amazing thing,
9 but I want to please Allah, subhaanuhu wa ta'ala, the most
01:56:20 10 exalted and praised -- in the most amazing way possible, the
11 highest form of ibadah."

12 Ibadah means the highest form of worship.

13 So I used this imagery of a green bird. And that is
14 an imagery in Islam. And it's in Hadids in Islam meaning
01:56:43 15 the Prophet Muhammad talked about a green bird, and
16 specifically a green bird was -- is described that when a
17 martyr is killed on the battlefield, when the angel of death
18 comes down and takes the soul out of the fighter who's
19 killed on the battlefield, his soul is put into the breast
01:57:02 20 of a green bird. And that green bird flies up to heaven,
21 and that green bird flies all the way up to the throne of
22 Allah, so it's at the highest place in paradise, and that
23 green bird who basically carries the soul of the mujahid,
24 the fighter, the martyred fighter, all the way to the
01:57:22 25 highest level of paradise. It's the closest that a soul can

1 be to Allah, to the throne of Allah. And this green bird
2 resides just underneath the throne of Allah.

3 Q. Is that terminology that you've seen frequently in
4 your cases?

01:57:34 5 A. Very frequently. This is -- the green bird is
6 actually -- it serves as like a source of inspiration for
7 jihadis, because if they die while fighting, then they will
8 then kind of be transported into a green bird and flown to
9 the highest level of paradise. This is the possible highest
01:57:56 10 honor that a mujahid can receive, or kind of an incentive
11 received.

12 Q. If we can back up, you made a comment "shahadah or
13 nasr." What does that mean?

14 A. So there is a little definition for these words and
01:58:12 15 these kind of a -- it can be interpreted in a different
16 context.

17 So shahadah simply means literally a statement of
18 faith. And it's the Islamic statement of faith that every
19 Muslim has to say in order to become a Muslim.

01:58:26 20 You know, the majority of the world understands the
21 word shahadah to mean just the statement of faith. However,
22 jihadis have taken that word and they have made their own
23 meaning of it and it means martyrdom, because in the jihadi
24 mind, if a person dies fighting for Allah and they achieve
01:58:49 25 death, then they have just demonstrated the ultimate

1 testimony of their faith, so, therefore, shahadah equals
2 martyrdom.

3 The second word is nasr which means victory. To
4 paraphrase, shahadah or nasr means martyrdom or victory.

01:59:07 5 And that is a very common word used by ISIS, that it's
6 one or the other. They'll be martyred in the process or
7 they will obtain victory.

8 Q. If we can move to page 24, please.

9 In the context of this conversation, does cantdeny
01:59:25 10 then make a comment about what appears to be a firearm?

11 A. Yes. At 11:41, he said, "I sleep with my AK, wake
12 with it, and rub it once I return to it."

13 Q. And what does AK mean to you?

14 A. To me, I understood that AK is a reference to an
01:59:43 15 AK-47. An AK-47 assault rifle is very commonly referred to
16 simply as an AK.

17 Q. Okay. If we continue to the next page, please.

18 There's a discussion about bullets that occurs on this
19 page. What was going on in this discussion?

01:59:59 20 A. What I was trying to confirm that his reference to an
21 AK was indeed an assault rifle. And so we did have a
22 conversation about different types of bullets, which I -- I
23 felt kind of solidified that we were talking about, you
24 know, weapons at this point. And there's different types of
02:00:17 25 bullets. I mentioned black tip bullets, which is a specific

1 type of bullet which is armor piercing.

2 Q. Now, did this conversation with cantdeny lead into a
3 discussion about counter-surveillance advice for you?

4 A. Yes, it did.

02:00:32 5 Q. In we can please move to page 26.

6 Is this an example of the counter-surveillance advice
7 he started to provide?

8 A. Yes. He offered some suggestions, different
9 techniques to use counter-surveillance.

02:00:50 10 THE COURT: Counsel, is this a good place,
11 perhaps, to take a break?

12 MR. SHEPHERD: It would be, Your Honor.

13 THE COURT: All right.

14 Ladies and gentlemen of the jury, please leave your
02:01:00 15 notepads on your chairs. Remember all the admonitions I've
16 given you about not discussing the case among yourselves,
17 not forming or expressing any opinions, no use of any cell
18 phones or other devices, please.

19 We will see you in about 15, 20 minutes more the
02:01:15 20 balance of our morning.

21 Thank you very much, ladies and gentlemen.

22 (Jury out, 10:50 a.m.)

23 THE COURT: Counsel, are you ready to proceed?

24 MR. SHEPHERD: We are, Your Honor.

02:21:47 25 THE COURT: Sir, I would ask you if you could do

1 me a favor for the benefit of the court reporters, given the
2 language barrier is the word I'll just use, please, if you
3 could answer the questions much, more slowly. It's going to
4 be really difficult for them to take this down.

02:22:04 5 So much, more slowly.

6 Counsel, same with the questions. Much more slowly.

7 MR. SHEPHERD: Yes, Your Honor.

8 THE COURT: Thank you very much.

9 We'll have the jurors brought out, please.

02:22:14 10 (Jury in, 11:15 a.m.)

11 THE COURT: Please be seated, ladies and
12 gentlemen.

13 All right, counsel, you may resume your examination.

14 MR. SHEPHERD: Thank you, Your Honor.

02:23:40 15 BY MR. SHEPHERD:

16 Q. If we could pull up Exhibit 4, page 26, please.

17 Special Agent Jane, I believe before the break I had
18 asked you whether you received advice about
19 counter-surveillance from the cantdeny account; is that
02:23:57 20 correct?

21 A. Yes, sir.

22 Q. And did you indeed receive several communications with
23 that advice?

24 A. Yes, I did.

02:24:07 25 Q. And at the bottom of page 26, does that include some

1 of that advice?

2 A. Yes.

3 Q. And if we could move to page 27.

4 What does -- what is advised in the middle of page 27,
02:24:23 5 if you could briefly summarize?

6 A. This is one example of one of the counter-surveillance
7 techniques that this person was coaching me on.

8 And, for example, he suggested that I rent out a
9 storage space, like a storage unit, plant cameras on the
02:24:40 10 inside of it and then pretend like this is something inside
11 that is sensitive in nature. And then I can -- later
12 revisit those surveillance cameras that I planted to see if
13 that sensitive item was tampered with or if I caught someone
14 who was this there following up on me, to see
02:24:58 15 in -- basically to see if someone was following me and
16 trying see what I was up to.

17 Q. In your prior investigations, had you ever received
18 any advice like this?

19 A. No. The only one other occasion was with my original
02:25:13 20 target who also was in communication with the same user.
21 And he talked about having been coached on the same type of
22 techniques. That was the only other time. And he told me
23 that "The other brother is coaching me on the same
24 techniques." That was the only other time that I heard of
02:25:29 25 such trade craft or suggested techniques for

1 counter-surveillance.

2 Q. Can we move to page 28, please.

3 Is this additional conversation about
4 counter-surveillance?

02:25:41 5 A. Yes. And it's just a way to see if it your cover is
6 blown essentially. And he said that this can all be done
7 for a cost of \$200 or so, or less.

8 Q. If we could move to page 29, please.

9 And, again, does the conversation continue here?

02:25:57 10 A. Yes, it does.

11 Q. I would like to move forward to page 31.

12 Were you asked about any military capacity you had?

13 A. Yes. At 11:58, the user asked me if I had any
14 experience in a military capacity.

02:26:15 15 Q. What was your answer?

16 A. I just gave another kind of evasive answer. I said,
17 "I can't say." And he responded with, "Good."

18 I think that or -- I inferred that -- I gave an
19 elusive answer that he might read between the lines kind of
02:26:34 20 like a wink wink comment and then he responded with good.

21 Q. What did he tell you what he was going to do at the
22 bottom of this page?

23 A. He said that "I will refer someone to you, brother.
24 And you must get Wickr."

02:26:47 25 So he was going to introduce me to someone else. And

1 I needed to get a different encrypted messaging application.

2 Q. We can move on to page 32.

3 Did he ask anything about traveling?

4 A. Yeah, he asked if I was able to travel. And I said
02:27:05 5 that, yes, and that I've seen other parts of the world.

6 Q. And if we move on to the next page, please.

7 What kind of travel did it appear he was referring to?

8 A. Well, I was referring to international travel. But he
9 clarified and asked about travel inside of the U.S.

02:27:26 10 Q. Now, in the context of an investigation, what would be
11 the importance of that comment to you?

12 A. It's surprising because most people, most Americans
13 are not concerned about their ability to travel within the
14 United States. I have observed with other terrorist
02:27:43 15 subjects the practice of not flying because obviously to go
16 to an airport, you have to go through additional security.
17 And that can be problematic for someone who was worried if
18 the government is watching them.

19 Q. And if we could move to the next page, please.

02:28:01 20 What did he tell you in the middle of the page?

21 A. "We need to establish ourselves here."

22 Q. And what did you interpret that to mean at the time?

23 A. We need to establish or organize ourselves in the U.S.

24 Q. And if we can move on to page 35, please.

02:28:21 25 Did he indicate whether or not he was able to fly?

1 A. Well, he said that he never flies himself. I mean, he
2 just offered that by his personal policy, he does not fly.

3 Q. Did he say why?

4 A. Yes. At 12:06, he said, "Can't bring my babies and
02:28:40 5 I'm never without them."

6 Q. Did he elaborate on that further?

7 A. He did not, or -- let me see.

8 "Well, I've done too much flying to stop. That would
9 look weird for me."

02:28:53 10 At 12:06 he said, "If you know what I mean."

11 So I think he was implying something -- when he said
12 the statement, "If you know what I mean," I deduced that
13 when he made the comment about bringing his babies with him,
14 he wasn't literally talking about human babies.

02:29:09 15 Q. We can move to page 36, please.

16 On page 36, there's a reference to a manual.

17 Do you see that this the middle of the page?

18 A. Yes, I do.

19 Q. What did he say to you?

02:29:22 20 A. Well, first he just said had I read the manual,
21 without any other indication of what he was referring to.

22 I knew at that time there were two publications
23 originating from ISIS and/or ISIS supporters written in
24 English. And these two publications were widely circulated
02:29:42 25 online in jihadi circles.

1 Q. What were those two publications about?

2 A. One was about hijrah to the Islamic State.

3 Q. Before we go any further, can you spell hijrah,
4 please?

02:29:57 5 A. Hijrah can be spelled as H-I-J-R-A. It's also
6 commonly spelled as H-I-J-R-A-H.

7 Q. And what does that mean?

8 A. Hijrah is an Arabic word that literally means to
9 migrate, has an Islamic connotation to migrate to an Islamic
02:30:17 10 land.

11 To migrate to a location where you can practice Islam
12 freely. And in the title of the manual is Hijrah to I think
13 it said Dawlat al-Islam, which means the house of the
14 Islam or Dawlat al-Islam. Hijrah to Dawlat al-Islam mean to
02:30:42 15 migrates to the State of Islam which is the same term that
16 ISIS uses to call itself the Islamic State.

17 Q. So backing up, so that phrase, "Hijrah to the Dawlat
18 al-Islam, if I didn't get that right, could you spell that's
19 Forest into?

02:30:57 20 A. Sure. So Hijrah to Dawlat al-Islam. Dawlat is
21 D-A-W-L-A-T. al-Islam, A-L, hyphen, I-S-L-A-M. And that
22 literally means the state of the Islam, Islamic State.

23 Q. So you said there were two manuals indicating at that
24 time. What was other manual?

02:31:24 25 A. The other one, the title was "How to Survive in the

1 West" and it was a guide to mujahideen or jihadis in the
2 west and how to survive, how to conduct jihadi activities
3 within the west.

4 Q. And is that also put out by the Islamic State?

02:31:41 5 A. It's either put out formally or it was put out by
6 Islamic State supporters. And I think I recall that it was
7 an official publication from Syria published by the Islamic
8 State.

9 Q. So taking a look at page 36, this reference to the
02:31:59 10 manual, what did your response mean when you answered about
11 backpacking?

12 A. So his response was the letters "MA." And that is a
13 common shorthand for the phrase "Mashallah." Mashallah
14 basically means praise be to Allah. May Allah be praised.
02:32:24 15 And it's usually used in the context of like a positive
16 reaction, "Like, hey, that's great. It's so great that
17 Allah should be praised."

18 Q. At this time, did you know which manual he was
19 referring to?

02:32:35 20 A. I did not. I suspected it was one of these two. One
21 for traveling to join ISIS or one how to be a jihadi in the
22 west. But I did not know which of the two.

23 So I just picked my -- I made a reference to
24 backpacking because that deals -- backpacking refers to
02:32:52 25 traveling. And so that was my way to kind of test the

1 waters to see if that what he was referring to.

2 Q. If we can move to the next page, please.

3 What's this discussion about on page 37?

4 A. It begins with me making a statement that "I was in
02:33:08 5 the neck of the woods like 15 years ago." And that was -- I
6 was alluding to my international travel that I had done 15
7 years ago. Then he inquired about, "Well, which area, which
8 neck of the woods," where did I go to.

9 I didn't, you know, clearly refer to that.

02:33:30 10 Q. And then at the bottom you make a comment about "Not
11 talking about the same manual." What was that about?

12 A. So, you know, we were kind of dancing around this
13 topic of travel and the manual about international travel to
14 join ISIS.

02:33:45 15 And it didn't seem like we were getting clarification.
16 And so I just said, "Hey, maybe we're not talking about the
17 same manual," because I was kind of in a roundabout way
18 trying to probe if he was referring to the hijrah to the
19 Islamic State International Travel manual.

02:34:03 20 Q. If we could move on to the next page, please.

21 So what was his response to that?

22 A. So I said, you know, I don't think we're talking about
23 the same thing. And so at 12:11, he told me to name a word
24 in the title, as a way to kind of confirm if we're talking
02:34:20 25 about the same thing.

1 Q. So what did you tell him?

2 A. So you could see at 12:12, I said in quotations, "H to
3 the" -- and that was me referring "hijrah to the."

4 And then later at 12:13, I said the letter "D" and the
02:34:36 5 letter I. That was referring to the abbreviation of hijrah
6 to Dawlat al-Islam, hijrah to the Islamic State.

7 Q. What was his response to that?

8 A. He said no. At 12:12, he said, "No," but he was
9 familiar with it. "No, that's not it, but I know the one
02:34:51 10 that you're talking about."

11 And then at 12:14, he said no, that's not the one that
12 he was getting at.

13 And then he went on to describe the manual he was
14 referring to is one that is more detailed about me and your
02:35:03 15 surroundings.

16 Q. We could move to the next page, please.

17 Does he provide any words from the title of the other
18 manual?

19 A. Yes. So obviously at 12:14, he talked about, you
02:35:16 20 know, the immediate surroundings, your surroundings and then
21 at 12:14 he, in quotations, said the word "survive" which is
22 also, you know, one of the key words in the title for the
23 second manual, How to Survive in the West.

24 Q. So this discussion about manuals, did that tell you
02:35:34 25 anything about the person you were dealing with?

1 A. Yes. Told me a lot.

2 Q. What did it tell you?

3 A. Well, given that there were two widely circulated
4 manuals and that he was referring or using language that
02:35:49 5 strongly insinuated that he was talking about How to Survive
6 in the West, told me that he had read or he had consumed
7 official publications from ISIS and/or publications about
8 how to be a good jihadi in the west.

9 Q. Did it also tell you anything about what his
02:36:08 10 intentions were?

11 A. It told me what kind of propaganda or media he was
12 consuming.

13 I could infer about what his intentions are, I mean,
14 by him, you know, either promoting this literature or at
02:36:27 15 least discussing it.

16 Q. Okay. We can move to page 40, please.

17 Now, during your relationship or communications with
18 this other individual, did he advise you to contact other
19 brothers?

20 A. Yes, he did. He would bring referrals to me, other
21 brothers.

22 Q. And on page 40, does he talk about doing that?

23 A. Yes. At 12:18, you can see that he said, "Okay,
24 brother. I will have one of my brothers contact you
02:37:00 25 inshallah. Speak with him and I will speak with you both

1 inshallah. Keep this account, inshallah."

2 Q. If we could move to page 41, please.

3 And page 42.

4 So is there further discussion about this contact
02:37:20 5 starting on page 42?

6 A. Yes. At that time 12:21. He told me to wait for his
7 contact.

8 Q. And what question do you have in response?

9 A. "How will I know it's him," referring to how will I
02:37:34 10 know that I will be talking to the brother that he wants me
11 to talk to, that he's brokering an introduction. I need to
12 be able to confirm who is who.

13 Q. If we could move to page 43, please.

14 And what does he tell you?

02:37:48 15 A. Well, he gave me an insurance for how I would have
16 confidence and confirmation I was talking to the person he
17 wanted me to talk to.

18 And at 12:22, he told me he would give me something
19 that would indicate that he knows him.

02:38:05 20 And also, you know, he reminded me there's only one
21 person who knew about my new handle, about my new account,
22 and it was him. So I were to have contact with anyone else,
23 it would be through him. It would be the result of him
24 passing on my contact information to someone else.

02:38:19 25 Q. There's also this advice about change from your

1 Twitter name.

2 What did that mean?

3 A. So I had been just using one Twitter account. And I
4 think he noticed that I had not been changing that up. And
02:38:31 5 so he's giving me advice that I needed to do better to
6 conceal my kind of my electronic trail.

7 Q. If we could move to page 44.

8 What was the advice he gave you at the top of page 44?

9 A. So he's prepping me for future conversations. And
02:38:48 10 what to say and what not to say.

11 And one of the examples is he wanted me to omit use of
12 Islamic terms. And if I were to use any Islamic terms, that
13 when writing them out, I need to put spaces between letters
14 for those words so that -- so they wouldn't be, you know, if
02:39:07 15 there was some kind of an automated electronic scanner
16 looking for key words, that such a scanner would skip over,
17 or won't identify that the conversation involved key Islamic
18 terms.

19 Q. And have you seen that tactic used before in your
02:39:21 20 cases?

21 A. No, this was the first time.

22 Q. If we can move to page 45, please.

23 Did he give you any other advice on page 45?

24 A. Yes. At 12:28, he instructed me to go and erase or
02:39:39 25 delete previous interactions that he and I had on Twitter.

1 Q. And how did he spell Twitter out?

2 A. You can see he put a space between the two T's.

3 Q. And if we can please move to the next page.

4 And on -- actually move again to page 47.

02:40:02 5 So on page 47, what did you -- what did you tell this
6 other person about your accounts?

7 A. So following his instruction, I created a new account
8 with Wickr, the app that he directed me to.

9 And he told me to, you know, get ready to talk to
02:40:25 10 somebody.

11 Q. Did he provide you instructions?

12 A. Yes, he did. He had essentially ground rules for how
13 that conversation would go or what was permissible.

14 Q. And are those the ground rules that are listed here on
02:40:36 15 page 47?

16 A. Yes, right in the middle, 7:24.

17 Q. What was the purpose in you contacting this other
18 brother?

19 A. I was just going with the flow. I was going with the
02:40:48 20 direction of the person I was talking to. And this was
21 something important to him. And so I wanted to see what it
22 would bring, what kind of people he was going to bring to me
23 and for what purpose.

24 He stated earlier that he wanted to, you know,
02:41:02 25 establish ourselves, which I understood he understood wanted

1 to organize people, a group, or something. And so I wanted
2 to see what his purpose was.

3 Q. If we can move to page 48, please.

4 There's a response in the middle here at 7:26 p.m.
02:41:21 5 from cantdeny.

6 What did he take that to mean?

7 A. So at 7:26 he said, "Okay. I assume all the risk. I
8 love you brothers. I hope Allah will put us in jannah in
9 the highest level."

02:41:36 10 Q. Did you spell jannah?

11 A. Jannah is spelled J-A-N-N-A-H. Jannah is just the
12 Islamic word for paradise, for heaven.

13 So he's saying he hopes that by doing this that Allah
14 will put us in the highest level of paradise.

02:41:54 15 He also said, "I assume all the risk," which I presume
16 by that statement is that this was risky behavior, if he is
17 saying he assumes the risk, that he understood that there
18 was risk involved and it probably involved the brothers.

19 Q. And did he ask you for anything then?

02:42:12 20 A. Yes, he asked me for my contact information to use the
21 messaging application Wickr.

22 Q. Did you provide that to him?

23 A. Yes, I did. And also -- yes.

24 Q. If we can move to page 49, please.

02:42:26 25 Did you eventually provide your Wickr user name?

1 A. Yes. At 7:31, I provided the Wickr screen name which
2 also serves as the contact information in Wickr as al
3 Furqaan and I put a space between -- after A-L, I put a
4 space before the letter F.

02:42:52 5 But in Wickr, you have to write it all as one word.

6 Q. If we could November to page 50, what happened then?

7 A. I received a message on Wickr, this is, you know, the
8 first time when I was using Wickr, but I received a message
9 from someone new that had my contact information.

02:43:13 10 Q. If we can move, please, to Exhibit 5 actually can we
11 go back to the last page of Exhibit 4, please, page 50 of
12 Exhibit 4.

13 What was the time of the last communication at the
14 bottom of the page?

02:43:32 15 A. 7:32 p.m. on April 8.

16 Q. And if we can now move to exhibit 5.

17 So what is Exhibit 5?

18 A. So this is the beginning of a conversation on April 8
19 also at around 7:36, or 7:35.

02:43:52 20 And this is the beginning of a new conversation from
21 my newly created Wickr account. And I received a contacts
22 from a user who was using the screen name of hereafter.

23 Q. And what was the first response, the first message
24 from hereafter?

02:44:11 25 A. So on the left where the letter H is, the white boxes

1 next to the letter H in the left, those are from the other
2 person. And he said, "Brother, make sure you debrief me
3 after your initial talk," and this was consistent with the
4 guidance I had just received from the Surespot conversation
02:44:29 5 of -- that he was going to pair me up with someone else and
6 that I needed to report back to him and how the conversation
7 went.

8 Q. Now, have you previously reviewed all the screen shots
9 we're talking about today?

02:44:40 10 A. Yes.

11 Q. I noticed on this one there's a date inserted in the
12 margin on the right-hand side.

13 Do you see that?

14 A. Yes.

02:44:48 15 Q. Was that date inserted by you to help guide the timing
16 of these communications after reviewing all of them?

17 A. Yes.

18 Q. And is there always, unlike Surespot, is there a time
19 and date stamp imposed on Wickr?

02:45:02 20 A. Wickr occasionally will put the time of day. In this
21 case you can see in the bottom right corner 7:36, at the
22 very bottom, 7:37, Wickr will intermittently put the time.
23 And for the date, you know, when I took the original photos,
24 there's always the metadata with the time and date stamped
02:45:22 25 on the original pictures.

1 So it wasn't hard for me to keep track of the day or
2 time.

3 Q. And if we could enlarge the sort of bottom third of
4 this exhibit, please.

02:45:36 5 I want to ask you a look at the very bottom it says,
6 "Destruction in one day."

7 What does that mean?

8 A. So Wickr has a feature where either user can set self-
9 destruct settings to where the messages will automatically
02:45:53 10 delete after a specified period of time. In this case, the
11 setting was set -- these messages would erase after 24
12 hours.

13 Q. And was that the setting for your messages?

14 A. That was for mine, which I think is also the default
02:46:04 15 setting.

16 Q. So under the messages from hereafter on the left, I'm
17 underlying what appears to be a date, hour, minute, second
18 time.

19 What does that mean?

02:46:16 20 A. So that's the self-destruct settings that the other
21 person had set for their messages. So the other person made
22 the setting that all of his messages would delete after one
23 hour.

24 And in this case, it's like a countdown clock that
02:46:31 25 there's 57 minutes left before those messages would

1 disappear.

2 Q. And when that happens, does it delete from your
3 account as well?

4 A. Yes.

02:46:38 5 Q. Could we move on, please, to the next page.

6 So in the middle of this page, there's a statement by
7 hereafter, "What your take of the convo, brother."

8 What was he referring to?

9 A. What was your take or what was your opinion of how the
02:47:02 10 conversation went with the brother.

11 Q. Did you indeed talk to this other person using Wickr?

12 A. Yes.

13 Q. Did you later learn who that person was?

14 A. Yes.

02:47:10 15 Q. And who was that person?

16 A. That was an FBI informant.

17 Q. Did you know that at the time when you started the
18 communication?

19 A. I think at the time I did not, but I shortly -- I was
02:47:21 20 able to reach back for some coordination to some other
21 agents, and they were able to confirm that indeed it was
22 another FBI informant, but at first, I don't think I did.
23 So I just played along.

24 Q. If we could move to page 3, please.

02:47:36 25 There's a statement here by you, "We hinted at

1 things."

2 What did you mean by that?

3 A. Well, I wanted to create the impression that with this
4 other brother that I was paired up with, that we had some
02:47:51 5 kind of meaningful or sensitive conversation or that it was
6 leaning in some kind of direction. And so I just threw it
7 out there. I wanted to give him the impression that there
8 was something to hint about, or that if I said we hinted at
9 things, if we hinted at things, that implies that we had a
02:48:07 10 deeper meeting, that we were trying to conceal, and we
11 weren't completely comfortable with just outright revealing
12 our true thoughts at first.

13 Q. Okay. If we could move forward to page 5 of Exhibit
14 5.

02:48:21 15 What did he tell you about his level of trust with
16 you?

17 A. Well, he told me that by him pairing me up with
18 someone else, that this was an indication that he trusted me
19 or at least my -- his trust in me had increased.

02:48:42 20 Q. Okay.

21 A. He called it -- he said, by him sharing one of his
22 contacts with me, this was a firm and rest lieutenant token
23 of trust. And I should consider it that it should mean a
24 great deal.

02:48:54 25 Q. And if we can move forward to page 7, please.

1 What did he tell you on page 7?

2 A. He said that "We need to organize more brothers."

3 Q. And what did he do with the word "organize"?

4 A. He put a space in the middle of the word after the "A"
5 so that it didn't read completely, which was consistent with
6 the trade craft that he established that for key words or
7 sensitive words, it was advisable to kind of break up the
8 spelling of them so they could not be detected, or it would
9 be harder to be, you know, detected.

02:49:30 10 Q. What else did he say about organizing?

11 A. He said, at 8:56 p.m., "We have a team, but we are
12 scattered and nobody likes to trust each other. Therefore,
13 someone must travel and meet each other a verify each
14 other," meaning what I understood him, that just by the
15 nature of having online contacts, it was difficult to trust
16 who was on the other end and he needed or someone needed to
17 go physically travel around to meet people to build that
18 trust, to get that final verification.

19 Q. If we could move forward to page 8, please.

02:50:03 20 And then to page 9.

21 What did he tell you in the middle of page 9?

22 A. He said, "There's a home stead in place." And he used
23 that same technique of breaking up the spelling of the word
24 homestead.

02:50:20 25 Q. What did he ask you then at the bottom of the page?

1 A. "Are you able to travel or no?"

2 Q. If we can move to the next page, please.

3 On page 10 of Exhibit 5, what did he ask you to do
4 about your self-destruct settings?

02:50:40 5 A. He saw that my self-destruct settings were on the
6 default set to go expire in 24 hours and I needed to reduce
7 it to one hour.

8 Q. And if we could move to page 11, please.

9 What did he ask you here?

02:50:56 10 A. He asked me what the -- what my nearest state was
11 which I understood to be what was my geographic location.

12 Q. And what did you respond?

13 A. I responded with the "Southwest." And then he
14 responded with "TX" which I understood to be Texas?

02:51:16 15 Q. If we can move forward, please, to page 17.

16 What did he indicate to you on page 17?

17 A. So in the middle there you can see in the white box
18 this user said, "Believe it or not there are ex-intelligence
19 people who are connected as well. So I never underestimate
02:51:42 20 the soldiers of Allah."

21 So I understood that he was talking about other people
22 that may be in his group and that group of soldiers of Allah
23 should not be underestimated because some of those soldiers
24 of Allah within this group are actually ex-intelligence
02:52:04 25 people, who was formerly associated with presumably the U.S.

1 government or a U.S. intelligence agency.

2 Q. And if we could move forward to page 20, please.

3 So what did he tell you on page 20 about meeting?

4 A. He said, "I will elaborate and more of the protocols
02:52:27 5 with you inshallah," God willing, meanwhile try to get more
6 brothers for me to meet while I'm out that way. That's a
7 long drive for me.

8 And so he had also mentioned that he would be
9 traveling out to the southwest because he had three brothers
02:52:42 10 to meet.

11 Q. If we can move forward to page 21.

12 Do you see the reference you just made about there
13 being other brothers to meet there?

14 A. Yes, he said, "You are the third brother out that way
02:52:55 15 that I must meet." So I knew I was one of the three.

16 I suspected that the remaining two involved my
17 original target who was also in the southwest. And then he
18 said that there were three people he needed to meet. The
19 third person in the southwest, I did not know who that was
02:53:11 20 at that time.

21 Q. If we can move forward to page 22.

22 What does he describe "As a solid team"?

23 A. He said the solid team consists of seven to 12 people,
24 that in those seven to 12 people are within a 100 mile
02:53:31 25 radius of each other.

1 Q. Okay. We can move forward, please.

2 There's a smiley face, it looks like, on the left side
3 of the page.

4 Did you know what he was doing that for?

02:53:43 5 A. No.

6 Q. And -- but what does he continue to tell you then
7 after that?

8 A. But he says, "But we are very weak. And even three
9 out of zero is a whole ummah."

02:53:57 10 And I think what he meant by is that, you know, three
11 is -- could be defined as a small team. And then ummah, of
12 course, means the Islamic community. So in other words,
13 like, you know, three compared to nothing, three is still
14 like a mini community or a mini team.

02:54:23 15 Q. If we move forward to page 25, please.

16 Does he give you any indication of how big the team is
17 here?

18 A. Yes. He says, "There are well over four of us on our
19 team. We just need sabr and persistence." Sabr is the
02:54:46 20 Arabic word for patience and, of course, he inserted a space
21 in the spelling of sabr.

22 Q. What else does he tell you about where he might be
23 located in this communication?

24 A. So later he says, "We will talk my brother. The east
02:55:02 25 coast timing is late." So to me I understand that he was on

1 the east coast and the timing was late for him.

2 Q. And before you go any further, how do you spell sabr?

3 A. Sabr which means patience is spelled as S-A-B-R.

4 Q. Let's move forward to page 28, please.

02:55:20 5 There's a reference in the middle of the page to being
6 in the deen for 20 years. What was that a reference to by
7 you?

8 A. So this is a reference to the previous biographical
9 data point that the user had given to me in an earlier
02:55:42 10 conversation when he said that he had been a Muslim for
11 about 20 years.

12 And so this is my way of kind of bringing up that bio
13 point just to kind of reaffirm -- I mean, if he had not been
14 a Muslim for 20 years, which kind of gave me an idea of his
02:55:56 15 age range, when I brought this up, if I was wrong, then this
16 was his opportunity to correct me on it.

17 But I didn't receive any kind of correction. So it
18 was just another way to kind of affirm that, "Oh, all the
19 bio data points were consistent," that I was still talking
02:56:12 20 to the same person. The same person I talked to on March 24
21 is the same person I was talking to at this time on April 8.

22 Q. And if we can move forward to page 29, please.

23 You ask a question at the bottom of the page of this
24 speaker. What did you ask?

02:56:30 25 A. "Do you mind if I ask what manhaj you follow?"

1 Q. And can you spell that, please?

2 A. Manhaj, M-A-N-H-A-J. Manhaj literally means
3 methodology. And so it's my way of asking what Islamic
4 methodology does he subscribe to or does he follow.

02:56:52 5 And the word often in kind of, in some Islamic
6 conversations, one of the various Islamic methodologies that
7 someone could follow is the Salafi Manhaj.

8 Q. And can you spell that, please?

9 A. Salafi is S-A-L-A-F-I.

02:57:14 10 Q. And if we move to page 30, what was his answer?

11 A. And then he said, when I asked what methodology does
12 he follow, he said the manhaj of the Prophet according to
13 the understanding of the Salaf, of course.

14 Q. And what did that mean to you?

02:57:34 15 A. To paraphrase, methodology of the Prophet according to
16 the understanding of the Salaf, of course, so the Salaf is
17 the first three generations of Muslims in Islamic history.

18 And those current Muslims who follow the same
19 methodology as this historical generation of the Salaf, the
02:57:59 20 first three generations of Muslims, the way they practice
21 Islam is known as the Salafi manhaj, so he clearly a firm to
22 me that the manhaj, his understanding of Islam was
23 consistent with the Salafi methodology.

24 Q. So would that be a very conservative version of Islam?

02:58:23 25 A. It's ultra conservative.

1 Q. Does that necessarily mean someone who follows that
2 belief is involved in terrorism?

3 A. Absolutely not. And he kind of clarified a little bit
4 more at the very bottom. He have says, "No, but math hab"
02:58:40 5 just the Q and the symbol, which I understand this to be --
6 he wasn't subscribing to any particular math hab.

7 THE COURT: A little slower, please.

8 THE WITNESS: So math hab, M-A-T-H, H-A-B, that
9 is one of the four schools of Sunnah thought within Islam.
02:58:59 10 And he was saying, "I'm not trying to categorize myself into
11 one of the four traditional categories of Sunnah Islam."

12 And he's saying that perhaps he's saying that he's
13 outside of that, but he just focused instead on the Koran
14 and the Sunnah. And he spelled Sunnah, S-U-N-N-A-H. And
02:59:21 15 this is the explanation that is entirely consistent with how
16 a Salafi would describe themselves.

17 Q. We can move to page 31, please.

18 Is there another reference to being off the grid?

19 A. Yes. He says, "That's on the grid, my dear brother.
02:59:40 20 We already off the grid."

21 So he's -- what I understood that he's saying that he
22 had removed himself off the grid. That he was conducting
23 himself in a way that it would be hard for anybody to follow
24 him or track him.

02:59:53 25 Q. If we move forward to page 34, please.

1 There's a reference here to "Palace scholars." What
2 does at that mean?

3 A. So he says, "Palace scholars and fame seekers."

4 So ISIS has identified that some of the most problem
03:00:17 5 management Islamic scholars are the enemies of Islam. So,
6 for example, this is a very derogatory term, the term palace
7 scholars to refer to the traditional scholars, kind of the
8 leading mainstream scholars of nonviolent versions of Islam.

9 And ISIS greatly condemns them and also uses these
03:00:39 10 same derogatory terms to refer to them.

11 So what I understood is that he was basically, you
12 know, disgracing or certainly condemning a certain category
13 of Islamic scholars and that type of narrative, that type of
14 hate or condemnation is consistent with what ISIS promotes.

03:00:58 15 Q. Is that consistent with what you've seen in other
16 investigations?

17 A. Absolutely.

18 Q. You make a statement then after fame seekers, what did
19 you say?

03:01:09 20 A. I said, "I have skills, stuff similar in the manual,
21 but a little different."

22 Q. What manual were you referring to then?

23 A. How to Survive in the West.

24 Q. And what did you mean by that comment?

03:01:22 25 A. I wanted to make myself appear attractive to him, but

1 I was still being a little evasive. So I said I have some
2 skills that are relevant to the skills described in the
3 manual. And I just said, "But a little different."

4 So I didn't really specify, but I wanted to convey to
03:01:41 5 him that I could be of value described in the manual.

6 Q. If we move forward to page 36.

7 What was he concerned with on page 36?

8 A. So we were talking about downloading a manual. And he
9 was telling me I have to be careful about the practice of
03:02:02 10 downloading manual off the Internet because there can be
11 metadata that's kind of hidden inside of those files that,
12 for example, you know, a government agency could be used to
13 try to track.

14 Q. And if we move forward to page 39.

03:02:21 15 A. And he was cautioning me about how I go about
16 downloading it. I could tell that he was concerned for my
17 security.

18 Q. In the middle of the page, what did he say to you?

19 A. He tells me I have to be careful and we have lots of
03:02:36 20 work to do because "Can't have a green bird watching the
21 construction project."

22 Sew what I understood that to mean is that there's a
23 lot of work that needs to be done. And we can't have
24 someone who is inside of a green bird watching the
03:02:53 25 construction project, the way a person's soul ends up inside

1 of a green bird is by dying as a martyr. So in other words,
2 we can't have dead guys that are watching the construction
3 project from heaven.

4 He needs -- and I understood that he needed people
03:03:09 5 that were alive to do the construction project.

6 Q. And just because we may see it later, at the very top,
7 there's a symbol next to your first message. What did that
8 symbol mean?

9 A. That's an error message. Sometimes Wickr was a little
03:03:24 10 temperamental and so that was an indication that that
11 message may not have been successfully transmitted to the
12 other person.

13 Q. And then does that same message appear later down?

14 A. Yes, because I saw the error message, I decided to
03:03:40 15 resend that line of text. And I successfully informed him
16 that I went through a fast food place to get wifi, so that I
17 could download the manual that we previously discussed.

18 Q. If we could move to page 40, please.

19 Actually just move to page 42.

03:04:02 20 What did he say about the manual?

21 A. So, you know, I told him that I downloaded it. We
22 talked about if I had read it. And then he said he
23 disagreed with a couple of the points if that manual. And
24 that manual was not sufficient and needed some clarification
03:04:17 25 and needed more explanation.

1 Q. If we can move to page 43, please.

2 What did he tell you in the bottom half of page 43?

3 A. So he laid out for me what he thought would be ideal
4 for me, his personal goal for me, that I would live off of
03:04:35 5 the grid. And he also highlighted that if I were to instead
6 live in plain sight, that this could result in my cover
7 being blown. This is a negative aspect of that.

8 So he then further advised that by saying, "Meaning
9 everything about your movement is predictable. The pros
03:04:56 10 that you will be able to exist in your normal routine, we
11 suggest that you get trained."

12 So he was just talking about the pros and cons of
13 living off the grid and the pros and cons of hiding in plain
14 sight, just kind of going about your normal business.

03:05:10 15 Q. Was there anything important to you about the way he
16 phrased that last sentence, "We suggest you get trained."

17 A. Well, presumably by saying "We," means there was more
18 than just him. And any time someone says that you need to
19 get trained, to me that implied that there was some process
03:05:29 20 in mind with some objective, some goal in mind to be trained
21 for.

22 Q. And if we can move to page 44. And then what did he
23 advise you to do after that process?

24 A. So then after living off the grid, he said then move
03:05:47 25 back into an overt living.

1 Q. If we move to page 45?

2 A. Which I understood that, you know, live off the grid,
3 kind of shake off if anyone's watching you and then kind of
4 reemerge to go live normally back in society. I should
03:06:05 5 essentially be clean of any following.

6 Q. So at the top of page 45, he says that something is
7 the answer.

8 What do you read that to be?

9 A. Okay. So I said, "Okay. I want to hear more about
03:06:18 10 training."

11 And previous to this, we had also talked about
12 scholars, the word that I used to talk about scholars was
13 shu yookh, which is spelled S-H-U, Y-O-O-K-H. That's one
14 way to spell it. That just means that's the plural for
03:06:41 15 saying scholars or sheikh or religious scholars.

16 So we talked about that just in the previous slide.

17 And then his answer for when I brought up the topic of
18 religious scholars was, here he wrote Al-Awlaki, which is
19 the last name of the man Anwar Al-Awlaki.

03:07:02 20 Q. Can spell that for the court reporter?

21 A. So the name I just mentioned, Anwar Al-Awlaki, Anwar
22 is spelled A-N-W-A-R is the first name. Last name
23 Al-Awlaki, that's A-L, dash, A-W-L-A-K-I.

24 Q. So in your experience, in investigating these cases,
03:07:23 25 is that a name you run into often?

1 A. Yes, frequently.

2 Q. What is the significance of Al-Awlaki?

3 A. So Anwar Al-Awlaki is an American Yemeni who was
4 killed in Yemen while he was a member of al-Qaeda. He was a
03:07:42 5 member of al-Qaeda in the Arabian peninsula. He was killed
6 which a U.S. aerial drone strike, and he was committed to a
7 variety of other convicted terrorists. He was commonly
8 known as someone who provided religious justification and
9 commented on how to conduct terrorist attacks.

03:08:00 10 He is, I think, you could safely say, is the single
11 most influential jihadi ideologue, who's an English speaker
12 in the world to date.

13 Q. Is that based on your experience in investigating
14 these cases and what you've seen in these cases?

03:08:18 15 A. Yes. I think you could have any number of experts on
16 counterterrorism to affirm that he is one of the most
17 influential English speaking jihadi ideologues out there
18 who's widely available on social media. His lectures are
19 widely available.

03:08:37 20 Q. Moving forward, does he help confirm that that is who
21 indeed he was talking about?

22 A. Yes, because then he said he was killed, which, you
23 know, Anwar Al-Awlaki is famous for having been killed by a
24 U.S. drone strike in Yemen.

03:08:52 25 Q. What's the next name that he provides, and could you

1 spell it, please, for the court reporter?

2 A. Yes, so obviously we talked about religious scholars.
3 And then the second scholar he mentioned is named Ahmed Musa
4 Jibril. And that is spelled A-H-M-E-D. The second word
03:09:13 5 Musa, M-U-S-A, and then last name, Jibril, J-I-B-R-I-L.

6 And Ahmed Musa Jibril is an Islamic scholar located in
7 Dearborn, Michigan, the Detroit area, and has been tied
8 to -- this is all public information -- to many convicted
9 terrorists and terrorists who have died carrying out
03:09:41 10 terrorist acts.

11 I mean there's a high volume of open source
12 information that will show that ISIS supporters have been
13 greatly inspired by him and ISIS has officially sanctioned
14 Ahmed Musa Jibril as an approved ideologue, as an approved
03:10:03 15 scholar.

16 Q. If we could move forward to page 48, please.

17 There's a reference here to "The team got smaller,"
18 that you make.

19 What were you referring to?

03:10:19 20 A. So I had been concurrently talking to my primary
21 target, the other subject, and that individual told me that
22 he had been arrested. And so when I received news of that,
23 I went to the user hereafter to essentially report that,
24 "Hey, we're down a man."

03:10:41 25 Q. And if we move forward then to page 49.

1 | What is his sort of response to this?

2 A. So he wanted to confirm that I was referring to our
3 mutual friend.

4 And then he also said, "I told you about him," which
5 is true, that the user of hereafter, and I had discussed our
6 mutual friend, the original target.

7 Q. And if we could move forward to page 49 -- I'm sorry,
8 to page 50.

9 And then to -- page 51.

03:11:20 10 What is he concerned about on page 51?

11 A. He says, "Can they connect you?"

12 And what I understand was that he was concerned that I
13 can be connected to the original target who was arrested.

14 In other words, I could be a liability because, you know,
15 the government may be coming after my persona next.

16 Q. What else does he ask about?

17 A. He wanted to know if our work was related. And I
18 understood that when he asked, "Is our work related?" He
19 was wondering if the original target was arrested, and the
20 reason for his arrest was somehow tied to what hereafter and
21 I had been talking about.

22 Q. If we move forward to page 52, please.

23 Actually then to page 53.

24 And so page 54.

At the bottom of page 54, you make -- if we can blow

1 this up because it's hard to read, the next to the last
2 comment that's made here.

3 There's a comment from you, "Possible gha nima from
4 the move south to."

03:12:41 5 First, can you spell gha nima, and then define what
6 that means?

7 A. Gha nima is spelled G-H-A, N-I-M-A.

8 Q. And what does that mean?

9 A. It's a word used to describe war booty. So from the
03:12:59 10 earliest Islamic industry and those battles, the warring
11 raids would, after they would overcome their enemy, would
12 take war booty from the battlefield. And that's the word
13 that describes that.

14 And it's also a term that's still used by ISIS and
03:13:18 15 jihadis today to talk about basically when they steal from
16 their enemy or they conquer their enemies and take their
17 weapons.

18 Q. What was your meaning in making this reference?

19 A. So I was -- I mentioned my possibility that I could
03:13:34 20 have access to gha nima, that I would have access to some
21 kind of war booty.

22 And I threw it out there to see if he would take an
23 interest in that or not.

24 Q. If we could please move forward to page 55?

03:13:53 25 If we can blow up so we can read it better, the bottom

1 half of the page.

2 What does he tell you in the bottom half of this page?

3 A. Yes, "Long-term, this is what has been advised."

4 Q. And also what did he tell you right before that?

03:14:10 5 A. Yeah, "So there's a few other brothers that I want to
6 bring to your attention."

7 So it tells me he's in contact with multiple people,
8 what I understood to be like-minded brothers. And he wants
9 to bring them to my attention.

03:14:21 10 And when he said that this has been advised, I
11 understood that he was taking advice, or taking direction
12 from others, from the other brothers, and that he also had
13 something long-term in mind.

14 Q. If we can move forward to the next page, please.

03:14:35 15 So in the middle of this page, he starts to give you
16 an analogy. That is the analogy that he gives you?

17 A. So he gave an analogy of a brain. And then a brain
18 like a headquarters is attached to limbs. So there's some
19 kind of central organization. And then it has extensions
20 elsewhere that are the limbs that do the work of what the
21 brain says.

22 Q. So what does he specifically tell you at the bottom of
23 this page?

24 A. Each body has a brain in order to operate the limbs.

03:15:09 25 Q. And if we can move on to page 57.

1 And what else does he tell you?

2 A. "In order for the body to be functional, we need a
3 strong brain." And then he said, "We are constructing the
4 brain."

03:15:25 5 Q. And if we can move forward to page 58, please.

6 And what does he say, "Eye to eye." What does that
7 mean?

8 A. Okay. So I think when he said that he wanted to see
9 if I understood kind of the wink wink talk that he was
03:15:40 10 using. He was obviously talking in an analogy to talk
11 around about -- around something without explicitly defining
12 it.

13 Q. So what's your response?

14 A. So I wanted to see if I understood him correctly, and
03:15:52 15 I just wanted to ask, "So are we the limbs?"

16 And then I asked, I wanted to define, "What are the
17 limbs or who are the limbs that is going to carry out the
18 work of the brain and then what is the brain?"

19 And so I asked him, "Is the brain the Khilafa" and I
03:16:10 20 spelled out Khilafa as K-H-I-L-A-F-A. And I broke up the
21 use of the letters because I knew that he wanted -- when I
22 talked about sensitive terms, that he would want me to spell
23 them like this, when I still --

24 Q. What does the -- I'm sorry. Go ahead.

03:16:29 25 A. Khilafa means the caliphate.

1 Q. So what would that be a reference to?

2 A. So the caliphate, there's only one self-proclaimed
3 caliphate in the world, and that's the ISIS caliphate. It's
4 the ISIS authority. It's -- and then I asked him, "Is the
03:16:46 5 caliphate, is that our brain?"

6 In other words, when the brain makes a decision to
7 fell the limbs to do something, is the brain ISIS? Is ISIS
8 telling us what to do? Are we the limbs carrying out the
9 orders of ISIS?

03:17:03 10 Q. And if we move to page 59, please.

11 If we can -- maybe enlarge first the top part.

12 And so what was the first part of his response?

13 A. So when I was trying to get clarification, "Are we the
14 limbs and ISIS is the brain?"

03:17:27 15 He said, "In this land, my dear brother, a brain is
16 needed. Then the limbs will grow."

17 So what I understood when he said, "In this land, he
18 meant inside the U.S., we need to have a brain. Once we
19 establish the brain in the U.S., then the limbs will grow
03:17:43 20 after that."

21 Q. If we could move to the next bottom half of the page.

22 What else did he explain to you?

23 A. So he started talking about this analogy, however,
24 like every analogy, it doesn't perfectly capture everything.

03:17:58 25 And so I think he realized, okay, you know, the

1 original analogy didn't fully capture what he was trying to
2 describe. And so he clarified that.

3 He said, "But all of the ummah, all the Islamic world
4 is one body. So in a way it doesn't fit because ultimately
03:18:14 5 the brain is the khilafa. Khilafa means caliphate."

6 And then he spelled khilafa correctly, but he omitted
7 the letter "I" in it. I think he probably did that by
8 design.

9 But he just said that, "Hey, I started with this
03:18:32 10 analogy of the ISIS brain being overseas. And then the
11 limbs will carry out the works of ISIS." But in this case,
12 he said, "That doesn't fully capture exactly what I'm trying
13 to say."

14 THE COURT: All right. Counsel, I think we're
03:18:46 15 going to take a break. It's now 12:10.

16 I'm sure the court reporters need a break and everyone
17 else as well. So we're going to take about an hour, hour
18 and five minutes, try to reconvene about 1:15, if you would,
19 in the jury room, ladies and gentlemen.

03:19:01 20 Leave your notepads on your chairs. Please remember
21 all the admonitions I've given you. They all apply. It's
22 very important you continue to follow them.

23 Thank you very much. Enjoy your lunch, ladies and
24 gentlemen.

03:19:16 25 (Jury out, 12:10 p.m.)

1 THE COURT: All right, ladies and gentlemen. I
2 have another proceeding at lunch, but it won't take very
3 long, I hope. We'll see you at 1:15.

4 MS. MAGNONE: Your Honor, can I just make a
03:19:54 5 comment? I noticed three of jurors brought in coats or
6 sweaters. If we can ask them if they're comfortable with
7 the temperature. They look cold.

8 THE COURT: We'll ask.

9 (Lunch recess taken, 12:10.)

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1 (Afternoon session, March 9, 2018.)

2 (Outside the presence of the jury:)

3 THE COURT: Counsel, are you ready to proceed?

4 MR. SHEPHERD: Yes, Your Honor.

04:30:04 5 MR. DOUGHTEN: Yes, Your Honor.

6 THE COURT: Counsel, pause after questioning.

7 The court reporters are struggling. And I'm sure if they're
8 struggling, the jury is struggling to keep up and not follow
9 the testimony.

04:30:15 10 Jurors, please.

11 (Jury in, 1:25 p.m.)

12 THE COURT: Please be seated, ladies and
13 gentlemen.

14 Counsel, you may proceed.

04:32:03 15 MR. SHEPHERD: Thank you, Your Honor.

16 BY MR. SHEPHERD:

17 Q. I believe when we left off, Agent Jane, we had just
18 heard about the response at the bottom of page 59 of Exhibit
19 5.

04:32:13 20 Do you see that?

21 A. Yes, I do.

22 Q. If we could move to page 60, please.

23 What was your response to the answer given by the
24 other individual about the khilafa being the ultimate brain?

04:32:30 25 A. Could we briefly go back to the previous page just so

1 I can read his comment?

2 Okay. So he said, "But all the ummah," meaning all of
3 the Islamic community or Islamic world, is one body, so in a
4 way it doesn't fit because ultimately the brain is the
04:32:52 5 khilafa.

6 So he said that the brain, ultimately the brain is the
7 khilafa, which I understood that to mean that the Islamic
8 State government, the government of the ISIS, the khilafa,
9 is the ultimate brain.

04:33:09 10 So then in my response to that, on the next page, was
11 "Allahu akbar," which was broken up to into two
12 translations, I believe.

13 THE COURT: Do you want to spell that, please?

14 THE WITNESS: Allahu, A-L-L-A-H-U. And the
04:33:34 15 second word is akbar, spelled A-K-B-A-R.

16 Allahu akbar means Allah is great, or the greatest.

17 BY MR. SHEPHERD:

18 Q. What else did you ask?

19 A. And then I asked, I kind of expressed my excitement
04:33:54 20 that I believe that he was referring to ISIS. But to
21 confirm, I asked, "Are we part of the bigger team or
22 starting a new team?" This is an issue of fiqh, which I
23 spelled as F-I-Q-H.

24 Q. What does fiqh mean?

04:34:15 25 A. Fiqh means Islamic jurisprudence is kind of the

1 science within Islam of coming to decisions or
2 determinations or rulings.

3 And so basically I was asking, "Are we part of the
4 bigger team? Or are we starting a team?

04:34:35 5 And I was asking this in the context of religious
6 doctrine. Is this acceptable or consistent with the Islamic
7 doctrine.

8 Q. What was the response?

9 A. And he said, "Every business needs a headquarters and
04:34:51 10 outposts. So obviously speaking in an analogy here. And he
11 said "Every business needs a headquarters, like a brain, but
12 it also needs outposts."

13 Q. What did you ask in response to that?

14 A. When he said outposts, I wondered if what we are
04:35:13 15 trying to build was an outpost. So I asked, "Are we making
16 our own brain, or are we connected to the ultimate brain,"
17 meaning if we're going to have like a regional outpost, with
18 our own regional limbs, is there a regional brain that is
19 connected to the ultimate headquarters brain.

20 Q. And if we could move to page 61, please.

21 Eventually what was his response to that question?

22 A. His response was, "Ultimate brain brother, LOL," which
23 I understood to mean that he was saying, you know, the
24 ultimate brain is what our group, our local brain, is
04:35:53 25 connected to. And I also understood that, consistent with

1 the analogy, the ultimate brain is alkhilafa, spelled
2 A-L-K-H-I-L-A-F A.

3 Q. And if we could move to page 62, please?

4 A. If I could just note that ISIS calls itself the
04:36:19 5 khilafa as well.

6 Q. In the center -- well, upper third of page 62, there's
7 a comment from hereafter about "Study the fiqh of wilayah,"
8 so can you explain that and also spell the last word for us?

9 A. Sure, so I read it as "Study the fiqh of wilayah." So
04:36:40 10 fiqh, as we established, is Islamic jurisprudence, the
11 process for understanding what is Islamic.

12 And he told me I need to study the ruins, the
13 jurisprudence of wilayah. Wilayah is one word spelled
14 W-I-L-A-Y-A-H. Wilayah literally in Arabic means like
04:37:08 15 state or province. So it was like statehood. So I
16 understood that he was telling me I need to study kind of
17 the doctrinal underpinnings of statehood, of creating a
18 state.

19 What is it to be a legitimate state? How do you form
04:37:26 20 a legitimate state? What Islamic requirements have to be
21 met in order to establish an Islamic territory?

22 Q. And in this context, what did you understand that
23 state would be associated with?

24 A. ISIS. ISIS has what they claim to be ISIS territory.
04:37:43 25 And they take the map of ISIS territory, and they break it

1 up by states, by provinces and they call them wilayahs, so
2 every piece of geographic terrain that ISIS claims to be its
3 own, they call it wilayah and they give that wilayah a name.

4 So when he said study statehood, I inferred that he
04:38:06 5 was referring to the same practice that ISIS has been using
6 very openly of the requirements to create an Islamic State.

7 Q. And if we can move forward to page 75, please.

8 So skipping ahead, Agent Jane, were you asked to
9 provide comments about other people on Twitter or online on
04:38:30 10 behalf of the hereafter?

11 A. Yes. So we talked about other brothers, that he also
12 found online that he either put me in contact to talk to or
13 we would discuss them between ourselves. And we're doing it
14 in this case.

04:38:44 15 Q. So in this case, there's a reference to a brother
16 being in Minnesota. Do you see that?

17 A. Yes.

18 Q. And what is hereafter's opinion of that brother?

19 A. So he said, "Yeah, but his aqeedah is not in line."

04:38:56 20 Q. And what is that word, aqeedah?

21 A. So aqeedah spelled A-Q-E-E-D-A-H, literally means
22 doctrine or creed. And so he's basically saying his
23 doctrine or his understanding of Islam is not in line. And
24 it's not in line because he says in the next sentence, he is
04:39:18 25 still debating the validity of the khilafa.

1 You can see the spelling that he used, but I
2 understand that he was trying to spell the word khilafa, or
3 khilafa, etcetera.

4 So he was saying that this brother in Minnesota, his
04:39:38 5 doctrinal understanding of Islam is not in line, is not
6 correct, because he is debating the validity of the Islamic
7 State government. So to disagree with the legitimacy of
8 ISIS is to have an incorrect understanding of Islam,
9 according to the person I was talking to.

04:39:58 10 Q. So I want to move forward to page 81 of Exhibit 5.

11 What did you inquire of in this communication?

12 A. So I asked him the question, "Do you work. How do you
13 have the time to chat for hours during the day?"

14 Q. Why did you ask that question?

04:40:17 15 A. Because I could tell he was expending a lot of time and
16 effort into this purpose. And it must be something
17 important to him. And I was wondering how is it possible
18 that he does this and where is he going with this.

19 Q. And what was his response?

04:40:33 20 A. He said, "My work is for Allah. It is my full-time
21 job."

22 Q. Okay. If we could move forward to page 84, please.

23 What did hereafter say about how methods of gaining
24 money?

04:40:52 25 A. So I'll read his response or how I understood it. And

1 that is, "The manual reveals how we are to gain money,
2 brother. Not rich, not even close. A team pulls together
3 for a greater good."

4 So this, in the manual it explains that stealing from
04:41:08 5 nonMuslims is permissible in a sanctioned way to gain money.

6 Q. And --

7 A. And I understood his next sentence was not like to get
8 rich. I think he was talking about his own financial
9 status. The purpose is not to get rich. It's to fund the
04:41:27 10 organizations' functions.

11 Q. And if we could move forward to page 93, please.

12 Now, were there ever times during your communications
13 with this person that they made statements sort of contrary
14 to the view that he was planning anything violent?

15 A. Yes. There were occasionally the person I was talking
16 to would make some odd statements that were not consistent
17 with the tone and flow of our normal conversations.

18 And then he would follow them up with a little smiley
19 face as well.

20 So, of course, in law enforcement we call this
21 exculpatory material, if the person is saying something that
22 would indicate that they are innocent.

23 And these types of statements were laced into our
24 conversation at what seemed to be awkward moments.

25 04:42:27 And also I insinuated or I inferred that the person

1 may be familiar with this legal concept of saying things
2 that would make you appear to be innocent, almost like
3 there's an internal alarm clock where occasionally he would
4 say it's time for me to say something that would make it
04:42:46 5 sound like I'm not doing anything wrong.

6 And this is a good example of when these types of
7 statements were made.

8 It was almost as if I thought that the person that I
9 was talking with thought that if their communications were
04:43:03 10 ever discovered, if they were to plant these types of
11 statements that says, "I'm not doing anything wrong," then
12 that would, you know, that would show that they were not
13 doing anything wrong.

14 Q. Did you have any further discussion with this person
04:43:18 15 about this concept of the -- about this concept of the brain
16 analogy and hijrah which was H-I-J-R-A-H?

17 A. Can you repeat the beginning of the question.

18 Q. I'm sorry. I'll rephrase.

19 Taking a look at page 93, there's a part of a long
04:43:47 20 entry by you that starts number 2. Do you see that?

21 A. Yes.

22 Q. Did you ask questions of hereafter about the things he
23 had been telling you?

24 A. Yes.

04:43:55 25 Q. And did he provide responses to your questions?

1 A. Yes.

2 Q. I would like to move forward to page 95.

3 And was one of the questions you asked related to the
4 analogy of the brain and the limbs that we just talked about
04:44:14 5 a little while ago?

6 A. Yes.

7 Q. And what did you ask?

8 A. So if I can read that paragraph at number 3, I said,
9 "I like your analogy of the brain and the limbs. I want to
04:44:27 10 do something for the brain. Hijrah is not off the table for
11 me because I want to make sure that all of this is for the
12 brain. And we have the blessing of the brain. I have some
13 ilm," I-L-M, "of the fqh of this matter and I understand
14 that the brain's blessing is required."

04:44:48 15 Q. And was figh spelled F-Q-H in this entry?

16 A. It was. The proper spelling is F-I-Q-H, but I did a
17 minor abbreviation where I think the word was still
18 conveyed, the meaning conveyed.

19 Q. And then moving forward to page 99, did hereafter give
04:45:11 20 you an answer to your questions?

21 A. Yes. And so the question I posed is I wanted to
22 demonstrate that I was very concerned that our activities,
23 whether or not they were connected to the ultimate brain and
24 whether they would be approved by the ultimate brain.

04:45:29 25 Q. So what did he tell you starting at the bottom of page

1 99?

2 A. At the bottom he says, "So hijrah is great." Hijrah,
3 spelled H-I-J-R-A-H. Hijrah is to migrate to an Islamic
4 land in the context ISIS calls for Muslims to travel to
04:45:48 5 Syria and Iraq. And this call to join ISIS in Syria and
6 Iraq is call hijrah.

7 He said at that "Hijrah is great, is a great deed. If
8 that's what your heart desires, then I ask Allah to make all
9 of your intentions noble. I've spoken to senior brothers
04:46:08 10 and the naseehah is to remain here.

11 He used used the word naseehah, which is spelled
12 N-A-S-E-E-H-A-H.

13 That word means advice. And he said, "I've spoken to
14 senior brothers, and their advice is to remain here."

04:46:26 15 Q. If we could move to page 100, please?

16 A. And I inferred that "reference to the naseehah of
17 brothers was the brain," which I think at this point we well
18 established that the brain was al-Khalifa.

19 Q. If we could go to page 1001. This is a reference to
04:46:49 20 the "battle of trench." What's the a reference to?

21 A. That was one of the historical battles in early
22 Islamic history with the Prophet Muhammad present, and it
23 was one of the terms that is known by as the battle of the
24 trench.

04:47:04 25 And he told -- well, he said, "Study the battle of the

1 trench. When the man came to the Prophet and became Muslim,
2 he said with us you are one man, but go and shake from
3 within."

4 Q. What did you believe that meant?

04:47:20 5 A. So without getting into the whole historical narrative
6 of the battle of the trench, here I believe that he was
7 citing a historical example where the Prophet Muhammad talk
8 to a Muslim and he told him that you are just one man and to
9 go shake them from within.

04:47:39 10 So by citing this historical example of someone
11 iinfilirating the enemy from within, I inferred that he was
12 talking about someone in the U.S. iinfilirating the U.S. to
13 shake them from within.

14 And given that he was talking about a violent battle,
04:47:55 15 I presume that this one man, to sheikhs them from within
16 involved a violent action?

17 Q. If we can move forward to page 105 please.

18 Did he ever refer you to any specific lectures of
19 anybody?

04:48:11 20 A. Yes. So you can see here he referred me to a website.
21 The name of the website is kalamullah.com and it's spelled
22 K-A-L-A-M-U-L-L-A-H.com.

23 He said, "Go to kalamullah.com. Go to lectures. Go
24 to Anwar Al-Awlaki lectures." Anwar is spelled A-N-W-A-R,
04:48:40 25 Al-Awlaki, spelled A-W-L-A-K I, Anwar Awlaki lectures,

1 scroll down to where I find the series with a crossbow on
2 it. It has 12 lectures in the series. In it you will find
3 the answer.

4 Q. Were you familiar with this website?

04:48:59 5 A. Yes, this website is stocked full with quintessential
6 salafi jihadi material propaganda and a lot of literature on
7 the doctrine of violent jihad published and written by some
8 of the most notorious jihadi, violent jihad ideologists
9 including al-Qaeda to present day.

04:49:23 10 Q. If we could move forward to present day, page 106?

11 A. If I could just mention and Anwar Al-Awlaki is in my
12 opinion one of the most influential English speaking jihadi
13 ideologists to date, and he wanted me to listen to his
14 lectures, 12 lectures, which is somewhere between 12 and 20
04:49:47 15 hours of lectures on violent jihad.

16 Q. And can we move forward actually to page 110.

17 So were you ever having any issues on Wickr?

18 A. Yes. At times, Wickr was a little temperamental with
19 the sending of messages. Sometimes there seemed to be a
04:50:06 20 minor backlog. It wasn't often. But occasionally.

21 Q. And then if we move to page 111.

22 Was there a reference to getting a new account set up?

23 A. Yes. There was -- at one point where we just hit a
24 little bit of a quirk with the function of Wickr, we
04:50:30 25 mentioned, you know, creating a new account.

1 Q. And can we move forward to the next page, please.

2 And to the next page.

3 And can we move forward to one additional page.

4 Is this an exact of some of those error messages you
04:50:54 5 were receiving at the -- at the bottom of the page here?

6 A. Yes. The symbol that has an exclamation mark, that
7 was like an arrow message saying that my message was not
8 successfully delivered.

9 Q. So ultimately was a new account set up on Wickr
04:51:12 10 because of these problems?

11 A. Yes. But that was also consistent of the pattern of
12 just creating new accounts on a routine basis anyways. So
13 this was kind of a good reason or opportunity to create a
14 new account.

04:51:24 15 Q. And if we can go forward an additional page.

16 So if we could pull up Government's Exhibit 6, please.

17 What is Government's Exhibit 6?

18 A. So this is the same user after having created a new
19 account. And you can see that he named this one
04:51:50 20 lovethetbird.

21 And so he sent me an invitation -- so I was using the
22 same account. He created a new one. Recontacted me, you
23 know, within minutes later.

24 So I knew it had to be the same user.

04:52:07 25 At this point -- actually the entire -- well, at this

1 point the only -- well, very few people had my account
2 information at any given time I could tell you who would
3 have my account. But there were times when the only person
4 who knew what my account was, was the person using
04:52:29 5 *lovethetebird*.

6 Q. Was there also a point in which you discussed new
7 account names through messages on Twitter?

8 A. Yes. So concurrently, whenever we were talking on
9 Wickr or Surespot, we always had our Twitter accounts to
04:52:43 10 fall back on, kind of like a backup means of communication.
11 So if more whatever reason we lost each other, we could
12 always go back to Twitter and say, "Hey, here is my new
13 account. Find me at this new address."

14 Q. And if we could pull up Government's Exhibit 7.

04:53:02 15 A. And I did this because, one, it was consistent with
16 what the subject was doing, but also, you know, the FBI has
17 the ability to more easily track activity on something like
18 Twitter. And so it's always good to have that Twitter
19 connection throughout the duration of the communication and
04:53:20 20 relationship because we are more -- I knew investigatively
21 we can easily point to our find who the user is by looking
22 deeper into Twitter activity.

23 Q. And taking a look at page 7, is that Twitter
24 communications between you and that same user?

04:53:36 25 A. Yes. This is private direct messaging between me and

1 the user.

2 Q. There's a reference to "I burned it. I sent you from
3 another account"?

4 A. Yeah, you can see we started with the user he was
04:53:50 5 using was lovethehaqq. At a later time he tells me that he
6 burned it which I understood to be the previous Wickr
7 account.

8 And then he informed me that he would send me a
9 message from another account, and that I should accept it.

04:54:05 10 Q. If we can move forward to page 3?

11 A. So I was in anticipation of new contact from a new
12 account.

13 Q. Now, there's a reference -- there's a question asked
14 at the top, "Was that verse and chapter Alfurqaan,
04:54:21 15 A-L-F-U-R-Q-A-A-N.

16 What's the meaning of this exchange?

17 A. So it may look like an innocuous question, but there's
18 a key word in this question and the key word is Alfurqaan,
19 A-L-F-U-Q-A-A-N.

20 Now, Alfuraan was a previous account that I used, a
21 previous account name that I conveyed to the user previously
22 only on Surespot.

23 So for him to know to use this key word, Alfuraan,
24 means this was the same user here, was the same user on
04:54:56 25 Surespot, the same user on Surespot talked to me on Wickr,

1 so he kind of brought it full circle. We started with
2 Twitter, Surespot, Wickr, back to Twitter and he asked
3 me -- and this was a random question. There's no other
4 explainable way why this person would ask me about a random
04:55:13 5 chapter, the chapter Alfuqaan.

6 Q. What was the meaning of your response?

7 A. I said yes, because I was saying, "Yes, I recognize
8 that you integrated a key word in your question."

9 Q. And then what do you tell him that you will do
04:55:29 10 tomorrow?

11 A. I said nothing -- I said nothing. "How about I start
12 reading a new surah and I'll send the chapter tomorrow."
13 Surah means a chapter in the Koran. Spelled S-U-R-A-H.
14 "I got nothing. I'll tell you the name of the surah
04:55:48 15 tomorrow, inshallah to Allah."

16 Q. Can you slow down and -- for that part, please and
17 spell out the last part?

18 A. Yes. So I said, "I'll tell you the name of the
19 surah," S-U-R-A-H, "I'll tell you the name of the chapter in
04:56:02 20 the Koran tomorrow, inshallah to Allah."

21 That -- I'll spell it. But it means by the will of
22 God, the most exulted. And that is spelled, the first word
23 is spelled I-N-S-H-A, A-L-L-A-H, T-A, apostrophe, A-L-A.

24 Q. Did you really mean that you were going to send him
04:56:36 25 a -- that you were actually going to read a new surah?

1 A. No.

2 Q. What did you mean?

3 A. Well, I noticed that he has established this technique
4 of using an innocuous question, laying in a key buzz word,
04:56:51 5 and so I told him what I intended to do was tell him I will
6 tell you what my new account name will be tomorrow.

7 And I referred to my new account name as the surah
8 that I will read tomorrow.

9 Q. If we can move to page 4, please.

04:57:09 10 So what does he tell you on page 4?

11 A. So he said, "What kind of name is" -- then the dashes
12 or the arrow -- Nowhaq?" N-O-W-H-A-Q. "LOL. What names
13 their baby that, Nowhaq.

14 So I think now he is talking about baby names but
04:57:38 15 using this very odd term or name called Nowhaq, which I
16 recognize to actually mean an account name.

17 Says, "Who would try that, Nowhaq," the third time he
18 repeats the key word. "I couldn't send my baby to school
19 with that, with that name," I think he says next.

04:57:54 20 So I was able to read between the lines and see that
21 he is trying to send me, you know, he's trying to bury in
22 the conversation his new account name.

23 Q. If we move forward to page 9, please.

24 Now, is this the following day?

04:58:13 25 A. Yes, this is April 13.

1 Q. And what did you tell him the following day?

2 A. Well, earlier I told him I would send him my -- I
3 conveyed I would send my new account name. And on April 13,
4 I said, "I started to teach the little squirt to recite the
04:58:29 5 surah," S-U-R-A-H, and the next line is one word, Attawbah,
6 that is spelled A-T-T-A-W-B-A-H. That is indeed the name of
7 a Surah, a chapter in the Koran. But also that's the name
8 of my next account that I was going to use.

9 And incidentally -- yeah, that's what I was trying to
04:58:56 10 do.

11 Q. Did you ultimately receive a message from Nowhaq to
12 Attawbah?

13 A. Yeah. So the new account I created with the name
14 Attawbah, the only person who knew of the existence of that
04:59:12 15 account was the person using this Twitter account.

16 The person using this Twitter account created a Wickr
17 account called Nowhaq, and from Nowhaq account contacted my
18 new account.

19 Q. And if we could pull up Government's Exhibit 8,
04:59:29 20 please.

21 Do you recognize what Government's Exhibit 8 is?

22 A. Yes. So shortly thereafter, at my newly created Wickr
23 account, whom no one else knew about except for the previous
24 Twitter user, I received a message from Nowhaq including the
04:59:50 25 standard Islamic greetings.

1 Q. Did you proceed to communicate with Nowhaq over the
2 neck several days?

3 A. Yes, you can see at the beginning there he told me "To
4 burn my account and to make another one."

05:00:01 5 But, yes, in the tone of the conversation, the topic
6 of the conversation, the spelling type, the vernacular used
7 was completely consistent with all the previous
8 conversations had.

9 Q. I would like to move forward to page 32 of Exhibit 8.
05:00:20 10 What did Nowhaq ask for in this communication?

11 A. He said, "We have plenty of defense items. Always
12 need donations."

13 Q. What did you believe he was asking for?

14 A. Well, you could see for the word "donations," he
05:00:42 15 started with in quotations, and to be honest, I wasn't sure
16 if he meant by financial donations or other defense items,
17 like weapons.

18 Q. Did you clarify that with him?

19 A. So I said, "Okay. Like straight \$, straight money?"
05:01:03 20 I thought that the head has a ton of money.

21 At that time, ISIS had millions of dollars, probably
22 had large quantities of money, of cash stolen at their
23 disposal. So that's what I meant when I said, "I thought
24 that the brain, or the head, has a ton of money."

05:01:23 25 Q. Move to page 33, please.

1 And did he clarify that it was indeed money?

2 A. Yes, with the dollar sign response.

3 Q. And if we could move forward to page 34.

4 What did you ask him at the top of 34?

05:01:40 5 A. I, again, asked, "Are the limbs connected to the head
6 question?"

7 Q. What was the response?

8 A. "Yes," or he said, "Yeah." But he also said, "That
9 cannot be safely channelled." So what I understood him
05:01:57 10 saying is that, "You know, the money from the head cannot
11 safely be channelled to the U.S., meaning ISIS can't send
12 money from Syria safely into the U.S."

13 Q. And can we move forward to page 41, please.

14 First I want to start, there's a comment you make at
05:02:19 15 the very bottom of the screen on Exhibit 41 in reference to
16 "Entrapment monkeys." What is that a reference to?

17 A. So I said, "I saw your updated list of entrapment
18 monkeys." So we would discuss spies on the Internet. And
19 this consistent user would talk about those that he
05:02:45 20 suspected being spies and those that were online trying to
21 entrap people, to catch them.

22 And so he had what I understood to be a running list
23 of suspects, suspected spies. And we would warn each other
24 of those.

05:03:01 25 Q. Okay. Then the entry right above that, what was the

1 speaker referring to?

2 A. So he said, "Look at what has been floating around
3 Twitter. Go to a brother's page called Abu Samir
4 Al-Maghribi.

05:03:17 5 Q. And can you slow down and spell that, please?

6 A. Yes. So he wanted me to go to the Twitter page of the
7 brother whose name is Abu, spelled A-B-U, Samir, spelled
8 S-A-M-I-R, Al-Maghribi A-L, M-A-G-H-R-I-B-I.

9 Q. What was he referring to?

05:03:41 10 A. There's a Twitter page. It was a very popular Twitter
11 page in this online circle. And he wanted me to go to that
12 page to go find a document that was written by an American
13 brother.

14 Q. And if we could move to page 42, please.

05:03:58 15 And actually, if we could move forward to page 44.

16 And page 44 of Exhibit 8, what was he referring to?

17 A. So on the previous slide and on this one, he includes
18 a Twitter handle, and he spells it out for me. You can see
19 the Twitter handle is payjizyaordie6. I'll spell that.

05:04:25 20 P-A-Y-J-I-Z-Y-A-O-R-D-I-E, 6.

21 Payjizya is a very frequently used phrase used by
22 jihadis and ISIS, which means basically you have to pay the
23 Islamic tax or we will kill you.

24 Q. He also references the title of a document?

05:04:53 25 A. Yeah, so I went to this -- I went to this Twitter

1 handle, the exact one that he directed me to.

2 When I got to that Twitter handle, it had the screen
3 name which was Abu Samir Al-Maghribi and he told me where on
4 that Twitter feed to go to locate the document written by an
05:05:12 5 American brother.

6 And then he told me that the title of this document
7 that I was to find buried on this Twitter page, or
8 this -- yeah, this Twitter feed, and the title of it is
9 something like GPS Ghuraba.

05:05:29 10 GPS and then Ghuraba is spelled G-H-U-R-A-B-A. or GPS
11 Ghuraba.

12 And I did find that document exactly where he told me
13 to find it.

14 Q. And did you take a screen shot of that Twitter page?

05:05:46 15 A. Yes, I did. He said it looks like --

16 Q. Excuse me. Hang on a minute.

17 If we could please pull up exhibit 50, please.

18 Do you recognize exhibit 50?

19 A. Yes, I do because he told me that the particular tweet
05:06:03 20 was tweeted six hours ago. And so I went to the Twitter
21 feed and I went to six hours prior and you can see in the
22 right side it says "six H" meaning it was tweeted six hours
23 ago at the time I took this picture. And there it is, the
24 title that he told me, the screen name that he told me, and
05:06:25 25 what the link to download it.

1 Q. So do you recognize this as the screen shot of the
2 Twitter page you went to?

3 A. Yes, and I downloaded this document.

4 Q. And if we could please pull up Exhibit 51.

05:06:38 5 What is Exhibit 51?

6 A. So this is a 19 page manual written to jihadis or
7 mujahideens that are located into the U.S. and basically
8 it's a manual and advice on how to counter FBI and law
9 enforcement counterterrorism techniques and strategies.

05:07:03 10 It's a pretty comprehensive manual on how jihadis can avoid
11 detention by law enforcement.

12 Q. And did you indeed download this document?

13 A. Yes, I did, 19 pages, the very organized, very
14 thorough.

05:07:22 15 Q. I'm going to ask you a few questions about some of
16 them.

17 If we could move to page 2, please.

18 And if we could highlight or I'm sorry, enlarge the
19 third paragraph down.

05:07:38 20 What was being called for in this paragraph?

21 A. To measure and define the depth of your cell, one of
22 the many questions is the depth of your cell. This is this
23 is why currently we suggest all brothers keep groups of 7 to
24 12 with one Amir, Amir means commander, spelled A-M-I-R.

05:08:06 25 7 to 12 with one commander. This is protection to

1 keep the cover of other groups from being blown which we
2 will discuss further inshallah. Inshallah meaning God
3 willing, spelled I-N, S-H-A-L-L-A-H.

4 Q. Was this kind of statement consistent with the
05:08:25 5 communications you had been having with this person on
6 social media?

7 A. Yes.

8 Q. And if we could move forward to page 5, please.

9 And at the very bottom of page 5, what is the advice
05:08:46 10 that's given at the bottom of page 5?

11 A. "Always be armed during sensitive meetings. If you
12 are caught or apprehended, it is better to die shaheed than
13 to heal the hearts of the Kuffar.

14 It is better to die shaheed. Shaheed means to die a
05:09:04 15 martyr. Shaheed is spelled S-H-A-H-E-E-D. And it's better
16 to die as a martyr than to heal the hearts of Kuffar.
17 Kuffar means disbelievers. It also means nonMuslims.
18 Kuffar is spelled K-U-F-F-A-R.

19 Q. And if we can move forward to page 8, please.
05:09:27 20 And if we could enlarge that second paragraph from the
21 top.

22 A. Okay. He wrote in the 19-page manual, "Shred all
23 evidence linking you to any brothers. Destroy phone, hard
24 drive, papers, plans, and keep your AK-47 loaded, waiting
05:09:49 25 for a no-knock entry. And prepare yourself to go into the

1 hiding or die in honor or to be muted in their prisons.

2 Agents have the most dirty tactics, while having the cupcake
3 Muslims believe that they are their friends."

4 Q. What are some of the -- just a summary of some of the
05:10:07 5 other things that were in this manual?

6 A. Well, there's a lot. Maybe if we went to the table of
7 contents, we could get a snapshot of that.

8 Q. Let's go back to page 1. So -- to show you the table
9 of contents?

05:10:23 10 A. Yeah, there's plenty to talk about.

11 Q. What was the table of contents?

12 A. It's a greeting to Muslims, particularly in the U.S.
13 And in Ghuraba, G-H-U-R-A-B-A-H means strangers. Often
14 jihadis refer to themselves as strangers, or they use this
05:10:56 15 Islamic term to call themselves strangers because in their
16 mind they're strangers to this world. They're not of this
17 world. They're not associated with the rest of society.
18 And they're just strangers passing through.

19 So this is a loaded statement in the title itself.

05:11:12 20 Q. There's also a reference to the "United snakes." Is
21 that a term you've seen before?

22 A. No, actually, I haven't. This is pretty unique.
23 Obviously you can see it's pretty adversarial to the United
24 States by the use of that term. But the 19 pages then
05:11:29 25 follow this table of contents here, talk about how do

1 special agents work, some of the tactics that they use, how
2 does the U.S. government use surveillance to track
3 counterterrorism subjects, the tactics of agents. And then
4 GPS is kind of a way for saying guidance to give to jihadis.
05:11:53 5 Number 4 is GPS for Al-mujahideen.

6 So Al-mujahideen is spelled A-L, dash,
7 M-U-J-A-H-I-D-E-E N. Literally mujahideen are those that
8 commit jihad.

9 ISIS use this is term to describe their soldiers. And
05:12:22 10 so this is guidance for how to be a soldier in the United
11 States.

12 Q. And if we could move forward to page 18. There's a
13 section called, "Final advice."

14 What is -- at the bottom of this big paragraph, what
05:12:39 15 does this document advise people to do?

16 A. The bottom it says, "My dear brother, my last words
17 for you now are to seal your book of records with your blood
18 and make Dua for the author."

19 Q. Actually, could you go one paragraph behalf that. The
05:12:58 20 file line of one paragraph above that?

21 A. Yes, and if there is any difficulty to understand
22 terms, I'll stop at the sentence.

23 "Final vision?

24 "My final advice to my brothers and sisters in
05:13:09 25 America, fear Allah and don't allow them to take you to

1 prison. We see here again and again the humiliation and
2 isolation that our brothers have been subjected to after
3 being caught. The agents place you in prison for 15 to 25
4 years or for life in silence. This heals their hearts and
05:13:29 5 quenches their souls for them to be able to interrogate,
6 torture, and parade you around. Stop going to jail
7 willingly. If your cover is blown or you are waiting for
8 them to convict you, die shaheed."

9 Q. If I can stop you there for a second there. What does
05:13:46 10 shaheed mean?

11 A. Shaheed means a martyr, a martyr who's killed while
12 fighting.

13 Q. And then without having to read the rest of the
14 paragraph, what does the author specifically advise you keep
05:13:57 15 with you and do in your homes?

16 A. He mentioned boobie traps, lie in wait, and he says to
17 keep your AK-47 or your M16. You should never leave your
18 home without your AK-47 or M16.

19 Q. And if we can move to the last page of the document.
05:14:14 20 Who's listed as the author of this document?

21 A. Abu Ibrahim Al Ameriki, also pronounced Abu Ibrahim Al
22 Emeriki. That is spelled A-B-U, space, I-B-R-A-H-I-M,
23 space, A-L, A-M-E-R-I-K-I.

24 Q. So after downloading this document and reviewing it,
05:14:48 25 did you later discuss it with the person you were

1 communicating with?

2 A. Yes.

3 Q. Did you discuss who might have authored this document?

4 A. Yes, we did.

05:15:00 5 Q. What were those discussions about?

6 A. If we could refer to the verbatim --

7 Q. Yeah, we can pull back up Government's Exhibit 8. And
8 go to page -- bring up page 44, please.

9 A. At the bottom here, he says, "Looks like they're in
05:15:36 10 the U.S., LOL." Well, "In the USA."

11 Q. And is that consistent with the way the author is
12 listed?

13 A. Correct.

14 Q. Now, did there come a time when this person asked if
05:15:53 15 you authored this document?

16 A. Yes.

17 Q. And did you?

18 A. No.

19 Q. Did you ask if he ever authored the document?
05:16:04 20 A. I believe so. If we could -- it's possible to refer
21 to those slides.

22 Q. If we could move forward to government's -- to page
23 89, please.

24 Is this part of the discussion that you were referring
05:16:31 25 to?

1 A. Yes.

2 Q. And if we could move forward to page 90, please.

3 And 91.

4 How did you describe this particular document?

05:16:44 5 A. I said it's just like watching a spy movie and taking
6 notes.

7 Q. And if we could move forward to page 98.

8 He asks you a question here. What is the context of
9 this question?

05:17:04 10 A. So he said, "You know, deep stuff," referring to the
11 document. And he asked, "Is it you, akhie?" Akhi means my
12 brother. Is it you, my brother? And he spelled that
13 A-K-H-I-E, and what I understood was if I am the one who
14 authored the document.

05:17:28 15 Q. At this time did you have any suspicions about who had
16 written the document?

17 A. Yes. And I think maybe the next slide you can see
18 where that came from.

19 Q. Can we go to page 99, please.

05:17:41 20 A. So he asked me if I was the one that authored it, and
21 that certainly was not the case. And then he offered what I
22 thought was kind of out of nowhere. He said it was not me.
23 I never said it was him. I never asked him if it was him.
24 I don't think I did.

05:17:56 25 Q. If we can move to page 100, please?

1 A. But he was curious about who I thought wrote the
2 document. And he asked a couple questions about my opinion
3 of the author or who the author was.

4 Q. In we could move forward to page 101.

05:18:18 5 At the bottom of this page, there's a reference to
6 giving you the task to do something. What was that?

7 A. So he gave me the task of enlightening another
8 brother. And then he provided me with the account
9 information to contact another brother.

05:18:40 10 Q. If we could, please, go back to page 59 of Exhibit 8.

11 How did he describe his role in this group you guys
12 were using?

13 A. Well, he said that every team has a recruiter. And he
14 also told me he spends hours online finding people online
05:19:02 15 and then referring some of them to me.

16 And so I noted this, that it seems like he's pretty
17 forward thinking. And then he responded, "What gives you
18 the impression I think steps ahead, brother?"

19 And he had well demonstrated at that to me.

05:19:23 20 But once I took note of that, then he seemed
21 inquisitive about why I came to that conclusion.

22 Q. Okay. And if we can move forward to page 107 -- I'm
23 sorry, if we can go back to -- move to page 79, although I
24 guess here it's going forward. So page 79, please.

05:19:41 25 Did he provide you some further information about

1 where he might have been located?

2 A. Yeah, he did mention Texas in this screen here.

3 Q. And if we can move forward to page 80.

4 And to 81.

05:20:02 5 What does he say about where he was born?

6 A. He said he was born in Montana, and, you know, for me
7 to imagine how it would feel going through there.

8 Q. And if we can could move forward to page 85, please.

9 Did he ever send you a photo?

05:20:23 10 A. Yes, he sent me this photo and told me it was him.

11 Q. And did you later learn or have any suspicions on
12 whether or not this was truly him?

13 A. Yes. I did not think that this was him.

14 Q. Why not?

05:20:38 15 A. It didn't -- it just seemed like an odd picture. I
16 think it may have -- I know I later saw that on the
17 Internet, and he actually used the same picture as a profile
18 picture I believe on a Twitter account.

19 In fact, the same user later used the same picture on
05:20:59 20 a Twitter account. On the Twitter account, that picture was
21 viewable to the world. So if he was going to use a true
22 picture of himself and make it viewable to the world and
23 Twitter, that would be completely inconsistent with all the
24 efforts that he has taken to that point to hide his
05:21:14 25 identity.

1 Q. And if you could just slow down a minute?

2 A. Sure.

3 Q. And finish up and just go a little slower, please?

4 A. Do you want me to repeat that?

05:21:23 5 Q. Just a brief summary, just a little bit slower,
6 please.

7 A. Okay. So he sent this picture and claimed it was him.
8 And he also said he was born in Montana.

9 I suspected this was actually misinformation, that was
05:21:40 10 not his true -- a true picture of him. And I later saw this
11 identical picture on Twitter as a profile picture for one of
12 his other Twitter accounts. And if someone were to use this
13 picture as a profile picture on Twitter, that would be
14 viewable to the world, meaning publicly accessible. And
05:22:04 15 making an image of himself viewable to the world would be
16 contrary to everything that he had talked about while taking
17 extensive measures to hide his true identity.

18 Q. If we can move forward to page 107, please.

19 So did you, again, get a request or get information
05:22:30 20 that there would be a new account coming from him?

21 A. Yes. On April 18 at 9:36 a.m. he notified me that I
22 will be receiving a new request for him.

23 So I anticipated receiving contact from a new account,
24 and it to be from him.

05:22:50 25 Q. And if we could please pull up Government's Exhibit

1 12, please?

2 What is Exhibit 12?

3 A. So this is a receipt of a new message from a new
4 account that the user created a new account. And it's
5 entitled, "Hiding my rights." And this was another, another
6 classic transition that was consistent with the nature of
7 our relationship to this point.

8 Q. And can we move forward to page 16?

9 Yeah, page 16.

05:23:28 10 What did he tell you he had been requested to do?

11 A. So at 4:03 p.m., he said, "Hijrah is not what senior
12 people requested me."

13 I understood that hijrah, meaning traveling to Syria
14 or Iraq to join ISIS, is not what senior people
05:23:49 15 are -- requested from him.

16 And I inferred that this reference to senior people
17 were contacts that he was probably having with people that
18 are in ISIS, which is, at that time was very doable, by
19 virtue of social media, it was not hard at all to contact
05:24:10 20 ISIS members in Syria in 2015.

21 Q. If we can move forward to page 20, please.

22 Is this a continuation of that same conversation?

23 A. Yes. So he said, "No, the conditions for a Wiliyah
24 have to be in place." Wiliyah is spelled W-I-L-I-Y-A-H.
05:24:34 25 "The conditions for Islamic State territory have to be in

1 place." And he said he was only giving advice.

2 Only provide advice to wolves and connect people to
3 form groups.

4 So he said he provides advice and he's providing
5 advice to wolves, and he put a space in the spelling of the
6 word wolves, and connect people to form groups. And
7 certainly in English speaking jihadi circles, the term
8 wolves is a term they use to describe themselves, kind of
9 like a loan wolf, loan wolf attack.

10 05:25:14 And so here he's saying that the advice he provides is
11 how to connect with people and form groups.

12 And I understood that to mean connect with people to
13 form groups of wolves.

14 Q. If we can move forward to page 41.

15 05:25:33 If you take a look at the communications on page 41,
16 what was the general basis for this conversation?

17 A. So he had brokered an introduction between me and
18 another person he found online and explained that he wanted
19 me to vet them out to see if they would be suitable to join
20 our group.

21 And so I had a conversation with that person. And in
22 the beginning here, he provided a commentary on how past
23 conversation went between him and this new referral.

24 05:26:14 And he said had him contacted. They gave him Salaams,
25 and he responded with "Hello, brother."

1 Salaams is spelled S-A-L-A-A-M-S.

2 And I knew at this time that he had coopted others
3 which were FBI informants to do similar task that he gave
4 me. And those tasks were to talk to people that he assigned
5 to us and vet them out as a candidate to join our group.
05:26:34

6 And so in this case, he told me that he had somebody
7 else talk to the candidate. And that person tasked with the
8 vetting process, they gave the Islamic greeting which is
9 referred to as Salaams, and the candidate responded to the
05:26:55 10 Islamic greeting incorrectly and they responded by saying,
11 "Hello, brother."

12 And so that was a violation of the Islamic protocol.
13 So right off the beginning, this candidate was not doing
14 well in the vetting process because they were giving an
05:27:12 15 improper Islamic greeting.

16 And so, in other words, he was saying that this guy
17 is -- he's not doing well. He's probably not of the same
18 caliber of what we're looking for in our group.

19 And this person is someone who is not even satisfying
05:27:29 20 the bare minimum Islamic protocols may be of concern. It
21 might be a spy.

22 Q. So what does he say he told this person?

23 A. So having that concern, if not suspicion, he said I
24 warned him against extremism and told him to be aware of
05:27:52 25 terrorism.

1 So in other words, if he came across someone he
2 suspected of being a spy, he wanted to give them an image
3 that he was against terrorism, so he would warn them of
4 extremism and beware of terrorism, so that way the potential
05:28:07 5 spy would not be concerned about him.

6 Q. So if we could turn to page 58, please.

7 In the -- towards the bottom half of this, you make a
8 comment about a picture. What were you referring to?

9 A. So I said, "By the way, you fooled me with that thobe
05:28:31 10 pic of you."

11 Thobe, spelled T-H-O-B-E. The thobe picture. A thobe
12 is just the traditional Arabic clothing, the white robe that
13 the man was wearing in that picture.

14 "So you fooled me with that picture of you wearing the
05:28:50 15 white thobe. I thought that was really you. No way it is.
16 I was the sucker."

17 So I told him at the moment, "Well, maybe this really
18 is him." But then I thought about it and I said, "There's
19 no way. You fooled me."

05:29:02 20 And rather than refuting my conclusion, he said, "Give
21 me your logic." He wanted to know why I came to that
22 conclusion.

23 Q. If we can move on to page 59, please.

24 A. So he wanted to know how I came to this conclusion
05:29:20 25 that that was not a legitimate picture of him. I said, "So

1 I thought it was you when you first sent the picture.

2 Pretty cool how Wickr does it. Kind of like Snapchat. You
3 said it was eight years and it looked it."

4 But then "Abu C shows up with exact same pic. Come
05:29:42 5 on."

6 Q. What was Abu C a reference to?

7 A. Okay. So Abu C, spelled A-B-U, space, the letter C,
8 that is a reference to a Twitter handle that is Abu
9 commander. And I noticed that this Abu commander Twitter
05:30:00 10 handle was also a mutual friend of the original target that
11 I had and was also prolific in the same online circles
12 within Twitter. And I suspected that that Twitter account
13 was used by him because it's easy for any one to have
14 multiple Twitter accounts. Very easy to do.

05:30:24 15 Q. If we can pull up Exhibit 13, page 1, please?

16 And if we can enlarge the top, please?

17 Is this the account you were just referencing?

18 A. Yes. So this is Twitter handle Abu commander, and you
19 can see the same picture.

05:30:44 20 Q. Okay. If we can go back to Exhibit 12, please?

21 And to page 61.

22 So after this discuss about the photograph, did he
23 give you any lessons?

24 A. Yes, he did. So, I kind of figured it out. And I
05:31:11 25 think once I explained my logic, he realized that. And then

1 he told me that war is deception and that misinformation can
2 be used to elude spies. And so I think he conveyed to me
3 that he uses the practice of using misinformation and
4 deception to evade the spies.

05:31:32 5 Q. What did he say about face-to-face?

6 A. He said that misinformation will be never used -- will
7 never be used in face-to-face meetings. He said, you know,
8 he occasionally uses the misinformation online only, but
9 never in a face-to-face meeting.

05:31:48 10 Q. And if we can move forward to page 70, please.

11 There's a statement by "Hiding my rights, if he spy,
12 warn of extremism."

13 What was that referring to?

14 A. So he told me when he comes across someone he's
05:32:11 15 suspicious of, his practice is to warn them of extremism.

16 And at this time, he was bringing additional referrals
17 to me and coaching me on how to ask Islamic trivial
18 questions and how to vet them out. And he told me if I
19 suspect they're a spy, I should just warn them of extremism.

05:32:34 20 Q. If we could move forward to page 83, please.

21 At the bottom of the page, what did he tell you he
22 does?

23 A. He says, "It's hard to sift through brothers and Allah
24 chooses only the few."

05:32:48 25 So what I understood that is that he spends a lot of

1 time sifting through the brothers. And there's so
2 much -- there's so many contacts you can have on Twitter and
3 that's what I understood his -- he perceived his job to be.

4 Q. And taking a look at the next page, what did he say
05:33:09 5 about how often he does this?

6 A. He says that he did this every day, day in and day
7 out.

8 And based on my observation of his online activity, he
9 seemed to back it up well because he was very busy online.

05:33:24 10 Q. If we can move forward to page 86, please.

11 What was happening at the bottom of page 86?

12 A. He told me I might need to change the identity -- my
13 identity after that brother. And I think that this was a
14 reference to the original target that was a mutual friend of
05:33:52 15 us that got arrested, or this may be a reference to another
16 candidate that we talked to.

17 But, nonetheless, he thought that there may be reason
18 that I should change my account ID.

19 Q. What did you guys set up to identify each other?

05:34:08 20 A. Okay. So because we had this, you know, the volley or
21 the leapfrogging of accounts, we established a code number.
22 And so I proposed the number 17. So that if we ever have to
23 ask each other kind of a challenging question to confirm
24 that it's us talking, we would use the number 17.

05:34:28 25 Q. And did you later use that code?

1 A. Yes.

2 Q. What does the 17 refer to?

3 A. The number 17 can be a reference to the number of
4 times -- let me back up.

05:34:45 5 So a Muslim who prays five times a day will recite the
6 fifth chapter of the Koran. In the course of praying five
7 times a day, praying the mandatory prayers, they will recite
8 this first chapter of the Koran 17 times.

9 So a practicing Muslim, praying their mandatory
05:35:06 10 players will do this 17 times, including bowing 17 times.

11 It's also called Rakaa, R-A-K-A-A.

12 Q. If we could move on to Exhibit 14, please.

13 So was there a switch of user names after
14 hidingmyrights?

05:35:28 15 A. Yes, there was. So.

16 Q. What was the next user name this person used?

17 A. So I was still using my previous Wickr account, but I
18 received a new message shortly after that -- the previous
19 slide. And I received it from the screen name accepted, on
05:35:47 20 Wickr, and very quickly, that user provided the code number
21 and it was correct.

22 Q. If we can move forward to page 2.

23 What did he want you to do starting on April 23?

24 A. Well, he said he found -- he had another good brother
05:36:07 25 that he wanted me to meet.

1 Q. If we can move forward to page 3, please.

2 And how were you to communicate with this person?

3 A. He explained that this new brother that he wanted me
4 to meet only used Surespot.

05:36:20 5 Q. And if we can move to page 4, please.

6 And to page 5.

7 Did he ultimately give you a Surespot name?

8 A. Yes, he did. And he also said that he was vouching
9 for this brother and he was a good and clean brother. And,
05:36:40 10 yes, he provided me with the contact information for this
11 brother.

12 Q. If we can move forward to page 6.

13 And to page 7.

14 THE COURT: Just one moment, counsel.

05:36:51 15 Do you need a break? Do you have water?

16 A JUROR: Um-hum.

17 BY MR. SHEPHERD:

18 Q. Do you sigh the contact information you were provided
19 on this page?

05:37:10 20 A. Yes, the contact information for the new account, for
21 the new brother, was juba1911.

22 Q. Did you ultimately communicate with that person on
23 Surespot?

24 A. Yes, I asked for clarification that this indeed was a
05:37:29 25 Surespot contact name. And he did respond. He said, "Yes,

1 it is."

2 Q. And if we could move forward to the next page please.

3 And to page 10 -- actually, I'm sorry, if we could go
4 back to page 9.

05:37:47 5 There's a reference from accepted saying what is your
6 name he asking.

7 What was going on?

8 A. So this user was asking for what was my Surespot
9 account name. And I provided it to him.

05:38:02 10 Q. And what was the sort of context of this?

11 A. This is more on the verge -- this is just before me
12 talking to this new brother that he wanted me to meet.

13 Q. So we can move to page 10, please.

14 A. So I could tell that he was trying to broker this
05:38:22 15 conversation, to be the go between, between me and the new
16 brother.

17 Q. What did you report back to accepted on page 10?

18 A. I told him that I had been talking to him, that I
19 talked to him that evening.

05:38:35 20 Q. If we could please pull up Exhibit 24.

21 So did you indeed talk to this new juba1911?

22 A. Yes, and you can see at the top of the screen it says
23 saifullah. That is spelled S-A-I-F-U-L-L-A-H, that was my
24 account name, that I provided to the Wickr user.

05:39:05 25 And then, of course, the person I was conversing with

1 had the same Surespot screen name that I was told about.

2 Q. What kinds of things did you talk to this juba1911
3 about?

4 A. We talked about -- we talked about getting arrested by
05:39:22 5 the FBI. We talked about spies that worked for the FBI and
6 resulted in the arrest of a friend of his. We talked about
7 weapons. We talked about FBI sting operations. We talked
8 about the event in Garland, Texas, which was the drawing of
9 the Prophet Muhammad art contest.

05:39:47 10 Q. And so if we can move to page 2 to work our way
11 through some of this.

12 And at the bottom of page 2, you make a comment about,
13 "We've got a good mutual brother." Who were you referring
14 to?

05:40:02 15 A. The user of Wickr account accepted who is -- has been
16 the same user throughout all of my communications we
17 referenced today thus far.

18 Q. If we can move to page 3.

19 And page 4.

05:40:19 20 How did you describe that person who juba1911?

21 A. I said that he was also a good brother and that we
22 have been talking about organizing.

23 Q. Did that then lead to these further conversations?

24 A. Yes.

05:40:37 25 Q. Did this person talk to you about his prior history?

1 A. Yes.

2 Q. And if we could move forward to page 22.

3 What was he starting to tell you on page 22?

4 A. So he told me that he had been arrested before. And
05:41:04 5 at the bottom here he said, "It was not for a worldly
6 affair." So I think he was trying to tell me that he got
7 arrested for something that wasn't -- that -- something
8 that, like a nonMuslim might do. And he had a spy that was
9 watching him for four years.

05:41:24 10 Q. Can we move to page 23, please.

11 And to page 24.

12 And to page 25.

13 What does he describe happened in his case?

14 A. So I asked about the snitch that resulted in his
05:41:48 15 arrest, the spy.

16 And he said that that snitch got paid over 100 G's,
17 which I understood to be other \$100,000, but he got paid
18 \$100,000 over the course of four years business so that's
19 \$25,000 year, which he did not think was that much, that
05:42:08 20 high amount.

21 And he also warned me that new people, new faces, new
22 Muslims are always an issue meaning they should be of
23 concern when you're trying to fine a spy.

24 Q. And if we could move forward, please, page 26.

05:42:21 25 Did he tell what you the result of this case was?

1 A. Yeah, he said he got bailed out. He had one of the
2 charges against him was dropped. He had three years of
3 probation. And he had one stayed, which I understood he had
4 one year of incarceration.

05:42:39 5 Q. And can we move forward.

6 And what was sort of going on in this conversation?

7 A. So he told me that the spy who reported on him was in
8 his mosque. He said, of course, he was inside of his mosque
9 and the spy was pretending to be a Muslim.

05:43:05 10 Q. Did he ever tell you how long he been a Muslim?

11 A. I think he said he had been a Muslim for about 11
12 years.

13 Q. And at some point, you referenced this incident or
14 this event in Garland, Texas. Did he provide you
15 information about that?

16 A. Yes, he did.

17 Q. If we could move forward to page 46, please.

18 And while that's going on, this conversation with
19 juba1911, does it take place in one day or over a series of
20 days?

21 A. It was a series of days.

22 Q. And there's a message here about a link. What was
23 that referring to?

24 A. So he posted a link which was a story, essentially an
25 advertisement for an upcoming event in Garland, Texas. And

1 that event was entitled -- an art contest for the drawing of
2 the Prophet Muhammad.

3 Q. If we can move to page 47, please.

4 And to -- and first at the bottom, what does he say
05:44:07 5 about this event?

6 A. So I told him I didn't have his Twitter account.

7 He said, "It's okay." He posted it. He said, "Many
8 people responded to what he tweeted about."

9 And he said that one of the people that responded to
05:44:22 10 his link about this event was a muj, spelled M-U-J. I
11 understood muj to be brecciation for a mujahid, and a
12 mujahid which is spelled M-U-J-A-H-E-D. A mujahid, again,
13 is just someone to does jihad, literal definition.

14 So he received a response from a mujahid. Actually he
05:44:47 15 said he received many. That's the way I understood it, at
16 8:07. So he received many responses.

17 And then he said to me, "You can assume what the
18 mujahid said about such an event."

19 So he was telling me that I could probably predict or
05:45:03 20 I could assume what a mujahid would say about such an event.

21 Q. And if we could move forward to page 48, please.

22 Then there's a response by you. It says, "Muj?"

23 A. Correct. So he used the word M-U-J. And I wanted to
24 just definitively clarify that we're talking about a
05:45:25 25 mujahid, and I don't know of any other word that can be

1 abbreviated with M-U-J. But that was my attempt to make
2 sure we're both talking about the same thing.

3 Q. And then there's a response by you that says, "Tear up
4 Texas"?

05:45:37 5 A. Right. So if you don't mind going back one screen.

6 Q. If we can go back to page 47, please?

7 A. Then you can see at the bottom of this, at 8:07, he
8 says to me, "You can assume what the mujahid had to say
9 about the event," at 8:07.

05:45:53 10 So I was responding to that statement.

11 And at 8:08, I gave my response to his statement, when
12 he said, "You know, assume what the mujahid would say."

13 Well, my response of what the mujahid would probably
14 say is, "I predicted that the mujahid would probably say
05:46:11 15 tear up Texas in response to the article about the art
16 contest in Texas."

17 Q. Was that response meant as an encouragement to
18 juba1911?

19 A. No, it was my response to his bringing up the topic of
05:46:29 20 wondering what someone else, what a third party, what a
21 mujahid would have to say.

22 Q. What else does he state on page 48?

23 A. He told me that someone else in the context of this
24 tweet about the event also popped up to talk about it. And
05:46:53 25 he was claiming to be in Texas.

1 And when I also said, "I think that a mujahid would
2 say tear up Texas," he said, "Bro, you don't have to say
3 that."

4 And I took it as he was admonishing me not to be so
5 blunt. And he said, "You know what happened in Paris."

6 Q. What would Paris be a reference to at this time?

7 A. The sophisticated terrorist attack by ISIS supporters
8 in Paris in 2015.

9 Q. And the reference to "This guy popping up and talking
10 about meeting," who did you believe that was a reference to?

11 A. The user of accepted.

12 Q. If we could please move forward to the next page.

13 Did you also -- did he eventually actually send you
14 the link to that event?

15 Q. Yes.

16 Q. If we can move to page 55, please.

17 And is the link on this page?

18 A. Yes.

19 Q. Did he have an overall opinion of that accepted -- of
20 the person you were talking to, who used user name accepted?

21 A. We did discuss him. And it was not entirely clear to
22 me on what his full opinion was of accepted.

23 Q. And if we can go to page 59, to start.

24 And actually let's go back to page 58 for better
25 context.

1 So at the bottom of page 58, what is juba1911 telling
2 you?

3 A. So we talked about being connected, we talked about
4 figh, spell F-I-Q-H, and I talked about, you know, "Are we
5 following orders? Are we taking orders? Is the other
6 brother connected."

7 And he wrote, "Connected?"

8 And at the end, he said -- I said, "You can ask him to
9 define that."

05:49:17 10 But at the end, at 9:26 p.m., he said, "I will say one
11 thing on that. If you have your own thing, keen it."

12 Q. Can we move to page 59, please.

13 A. And then about that one thing, he said because you
14 know it's real and functional. So this one thing that I
05:49:38 15 should keep with me at all times, I should keep it with me
16 because it's real and functional.

17 Then he asked me if I understood what he was trying to
18 say.

19 Q. Can we move to page 60, please.

05:49:53 20 In the context of these statements, what did you
21 believe he was referring to?

22 A. Weapons. I knew that he had a criminal history. He
23 had been incarcerated. And those that are familiar with the
24 legal process and have been burned by it, meaning that they
05:50:11 25 had been arrested by a spy, experienced criminals know not

1 to say outright exactly what they mean and they try to talk
2 around it.

3 And so I believe that he was trying to talk around the
4 issue of having a functional weapon with him. And I
05:50:27 5 determined that because, within minutes he said if you read
6 about sting ops from the news they never give authentic
7 things.

8 And what I understood this to mean is that when he
9 said "they never give authentic things," meaning spies
05:50:43 10 working for the government, won't give a terrorist something
11 that's authentic, something that's real and functional.

12 So when he introduced -- when he talked about the
13 thing and it being real and functional, and then when he
14 asked me if I understood, the first thing he said after
05:50:58 15 asking me if I understood, he brought up sting operations.

16 Q. At the time you were having this conversation, did you
17 know the identity of juba1911?

18 A. I did not. Obviously I was in -- I was put in contact
19 with him in short order. And so all I had was just this
05:51:16 20 account information. And I did not know ultimately who it
21 was connected to at that time I was communicating with him.

22 Q. Based on the information provided to you about the
23 personal history in that communication, did you later learn
24 who that user was believed to be?

05:51:35 25 A. Yes. Based on the context of this, I was very

1 concerned and I reached out to the agents I was working for
2 to convey that, and I did learn who the ultimate user of
3 this was.

4 Q. And who was that?

05:51:46 5 A. That was the deceased Elton Simpson.

6 Q. And when you say the deceased, how did he become
7 deceased?

8 A. He was killed while conducting a terrorism attack in
9 Garland, Texas on the draw the Muhammad drawing contest
05:52:06 10 while drawing the Prophet Muhammad.

11 Q. Now, after this conversation with juba1911, did you
12 report back on the conversation to accepted?

13 A. I did.

14 Q. So if we could go back to Exhibit 14, please.
05:52:25 15 And go to page 47.

16 Is this where you're reporting back on the
17 conversation?

18 A. I believe so. This looks right.

19 Q. And what did you tell accepted?

05:52:43 20 A. Well, I wasn't sure of what the opinion of the user of
21 juba1911 was. I did not know the full opinion of Elton
22 Simpson about accepted.

23 And I said, basically, he thinks you're a spy because
24 Elton Simpson cautioned me about talking to this person.

05:53:15 25 Q. If we could move forward to page 48, please?

1 A. And I knew that by saying that, introducing the spy
2 allegation or suspicion, I figured that that would probably
3 elicit a reaction and it would probably get the person, the
4 user of accepted, it would probably get him talking.

05:53:34 5 Q. And what did he tell you about his communications with
6 that person?

7 A. He said he talked with him for six hours yesterday, on
8 the previous day.

9 Q. And if we can move forward to page 49, please.

05:53:48 10 Q. And is this further communications about Elton
11 Simpson?

12 A. Yes. The user of accepted said that Simpson told him
13 his whole life story. And he spent -- and the user of
14 accepted spent the whole day talking to Elton Simpson.

05:54:11 15 Q. What were the dates of those communications with Elton
16 Simpson?

17 A. Beginning on April 23, and then it ended on the very
18 early morning of April 25, 2015.

19 Q. Now, did you personally have any further communication
05:54:23 20 was him?

21 A. No, not after April 25, 2015.

22 Q. I now want to go back to page 42 of Exhibit 14.

23 THE COURT: Counsel, why don't we take a break.
24 I think it's been a long period of time now. We've gone
05:54:42 25 about an hour and -- well, not quite an hour and a half.

1 But let's take our afternoon break.

2 Ladies and gentlemen, leave your notepads on your
3 chairs. Remember all the admonitions I've given you about
4 not discussing the case with anyone. All the other
5 additional admonitions.

6 We'll take about 15, 20 minutes, and then we'll
7 reconvene for the balance of our day.

8 Thank you very much.

9 All rise.

05:55:05 10 (Jury out, 2:45.)

11 THE COURT: All right, counsel, just real
12 quickly -- well, before we take our break, how much longer
13 do you anticipate with this witness?

14 MR. SHEPHERD: Your Honor, it's taking longer
05:55:41 15 than I anticipated, and I would likely be the balance of the
16 day.

17 THE COURT: That's fine. Again, I wanted to just
18 know if we can get the witness's testimony in on direct by
19 the end of the day.

05:55:54 20 MR. SHEPHERD: I hope to finish his direct by the
21 end of the day, Your Honor.

22 THE COURT: All right. Do the best we can.

23 Thank you.

24 (Recess taken, 2:47 p.m.)

06:23:51 25 (Jury in, 3:15 p.m.)

1 THE COURT: All right, Counsel. You may resume
2 your examination.

3 MR. SHEPHERD: Thank you, Your Honor.

4 BY MR. SHEPHERD:

06:24:56 5 Q. If we would please pull up Exhibit 14, page 42,
6 please.

9 What was that a reference to?

06:25:08 10 A. So I understood that he had various online social
11 media accounts, loud ones where he would express a lot of
12 opinion and silent ones which were just that, that seemed to
13 have kind of a lower profile.

14 Q. And if we could move to page 43, please.

06:25:31 15 And page 44. So what does he explain at the top of
16 page 44?

17 A. He said that, "The loud accounts draw in people and
18 the silent ones I convo through," so I understood that he
19 would say inflammatory or inciting or attention grabbing
06:25:48 20 content on social media, just to see what kind of reactions
21 he would get. And then if he saw someone he wanted to
22 converse with more based on their reaction, then he would
23 contact them through a different set of accounts, meaning
24 the silent ones.

06:26:01 25 So that way he could kind of gives the appearance that

1 when he contacted someone from a silent account, that he
2 wasn't the type of person that they might think he is.

3 Q. And then does he reference "Establishment of an
4 encryption?

06:26:17 5 A. So, yes. So after, once he decides to reach out to
6 somebody, then he would transition those communications to
7 encryptions applications.

8 Q. I would like to jump ahead to page 143, please.

9 There's an instruction from accepted to contact
06:26:40 10 someone in this communication.

11 Do you see that?

12 A. Yes, I do.

13 Q. Who were you supposed to contact?

14 A. So this is a brother who is another candidate for me
06:26:51 15 to vet out. So I was tasked by the user of accepted to vet
16 out this brother.

17 And this brother in actuality was an FBI informant.

18 And we referred to him as the Pennsylvania brother or the PA
19 brother.

06:27:06 20 Q. And if we could move forward to page 144.

21 Is that referred to here in this communication?

22 A. Yes. And so, you know, I had conversed with him and
23 then also the user of accepted said that he also conversed
24 with him and thought that he was in Pennsylvania.

06:27:24 25 Q. And if we move forward to page 153.

1 What does -- what does accepted tell you about his
2 location at this point?

3 A. He said that he was in Maryland at the time.

4 Q. And approximately when would this communication have
06:27:48 5 taken place?

6 A. I would have to go back to the date stamps on these to
7 give you an exact date.

8 Q. If we could move forward to the next page.

9 Actually we'll come back around for the exact date.

06:28:06 10 Did -- was there any communication with you about
11 meeting up with the -- that brother from Pennsylvania in
12 person?

13 A. I think so. We talked in general about the need to
14 meet each other or the need to meet new candidates.

06:28:30 15 Is your question about me, my persona meeting the
16 Pennsylvania brother?

17 Q. Yes, your persona.

18 And if we could take this slide down and move to page
19 158, please.

06:28:44 20 Is there a reference to you going somewhere to meet
21 accepted?

22 A. Yes. Yes. We talked about meeting in Baltimore,
23 Maryland.

24 Q. And who else would have been at that meeting?

06:29:01 25 A. The Pennsylvania brother.

1 Q. Did you ultimately go to Baltimore to meet accepted?

2 A. We talked about it and I gave him the impression that
3 I was trying to meet him in Baltimore, but I did not
4 physically.

06:29:12 5 Q. To Baltimore. Was there ever a time where the user of
6 accepted brought up the event that was scheduled in Garland,
7 Texas again?

8 A. Yes, he did.

9 Q. And if we could move to page 159, please -- I'm sorry,
06:29:32 10 163.

11 And highlight the top, please.

12 So what did accepted tell you?

13 A. So we previously were talking about the Shuhadah from
14 a sham in the top line. Shahadah is spelled S-H-U-H-A-D-A.
06:29:59 15 That literally means the martyrs. And those martyrs were
16 from Ash-Shaam. That is spelled A-S-H, hyphen, S-H-A-A-M.
17 That means Syria. That's the way ISIS refers to Syria as.

18 So we were talking about martyrs in Syria, and then
19 his next line was, "Yes, do you know that in Texas, Pamela
06:30:28 20 Geller has organized a convention on May 3 called Drawing
21 the Prophet Muhammad."

22 And that was taking place in Garland, Texas.

23 And I noticed that when he spelled Pamela Geller's
24 name, that consistent when he -- consistent with his
06:30:46 25 practice of putting spaces inside of sensitive words, he did

1 that the same, so that told me that he thought mentioning
2 her name was sensitive.

3 Q. And if we could move to the next page, please.

4 Now, did you have further discussion with him about
06:31:06 5 that event?

6 A. Yes.

7 Q. And did you discuss where you had previously heard
8 about it?

9 A. Yes.

06:31:14 10 Q. And what is it that you were discussing with him?

11 A. With -- I'm sorry, could you repeat the question?

12 Q. Yes, I'll rephrase.

13 So -- first, where are you heard about that event
14 previously?

06:31:27 15 A. I heard it while talking to the user of juba1911 who I
16 later knew to be Elton Simpson.

17 Q. And what was accepted's response -- let me back um.
18 Did you inform accepted that you had heard about that
19 previously?

06:31:44 20 A. Yep.

21 Q. And what was his response?

22 A. His response to me, having learned about the event?

23 Q. What was his response to you reminding him that juba
24 had told you about it?

06:31:57 25 A. He asked, "Who is juba?"

1 Q. And what did he claim?

2 A. He said he just found out today.

3 Q. And if we can move forward to the next page.

4 And the following page.

06:32:12 5 Page 166. What does he indicate there?

6 A. So he says this information is new to me, which -- when he asked me the question, "Who is juba?" I 7 was confused by this, because he's the one that introduced 8 me to juba. And I told me he spent hours talking to him, 9 including his whole life story.

10 And so I reminded him. And then he said, "This is new 11 to me," which this was a -- this is inconsistent with what I 12 knew that he actually knew.

13 Q. Move to page 167, please.

14 06:32:47 15 And what do you tell him in that second line about 16 juba?

17 A. And I said, "You know, juba. You know, what do you 18 mean you're asking about who is juba? You put me in contact 19 with him."

20 Q. And what was his response?

21 A. Then he clarifies and said, "Oh, the Arizona brother."
22 And that for me affirmed that we're talking about the
23 same juba because he's the one that told me that juba was
24 from Arizona.

25 Q. And what else does he say to confirm that?

1 A. He said the one who called me a spy, which that means
2 now he is referring to a previous conversation that we had
3 about juba.

4 Q. Okay. We can move to the next page, please.

06:33:26 5 And to page 169.

6 What does he say you can do at the top of this page?

7 A. He said that I can link up with him. And that it was
8 my call.

9 Q. And what does he say about the event in Texas?

06:33:45 10 A. "The scum in Texas." He said he just saw the drawing,
11 the news about the drawing this evening.

12 Q. And what is a Museebah, M-U-S-E-E-B-A-H.

13 A. I do not know?

14 Q. Okay. If we go to page 170, please.

06:34:07 15 Did you continue to talk about this event?

16 A. Yes.

17 Q. And if we could move forward to page 178, please.

18 There's a comment here about working on airfare. What
19 were you referring to?

06:34:28 20 A. I was giving him the impression that I was seriously
21 considering joining him in Baltimore, Maryland and that I
22 was working on airfare, to see if it was possible.

23 Q. Then if we can move to page 183, please.

24 And scroll down.

06:34:55 25 I'm sorry, let's go back to -- I think we're zoomed in

1 on this page.

2 Are you still talking about meeting on page 183?

3 A. Yes. And I also talked about a meeting that the user
4 of accepted had with another brother who was the
06:35:16 5 Pennsylvania brother, who was also an FBI informant.

6 Q. And can you move to page 184, please?

7 And if we could back up before we get here to page
8 182.

9 What -- at the beginning of page 182, what was he
06:35:37 10 telling you?

11 A. So we had talked about the riots in Baltimore that
12 were occurring at the time and that the riots and chaos in
13 Baltimore provided an opportunity.

14 And he said that "Baltimore is not good right now.

06:35:51 15 The flame has died. I meet our mutual brother from PA and
16 he is the real deal."

17 Around I understood that to mean that he met the
18 brother from Pennsylvania and he said that he's the real
19 deal after meeting him face-to-face.

06:36:03 20 And he also said that the Pennsylvania brother was
21 also very -- was very humble.

22 Q. And if we can back up to page 180, please.

23 Okay.

24 On page 180, there's a very difficult screen shot to
06:36:25 25 read. There as lot of stuff sort of blacked out. What's

1 blacked out on this page?

2 A. So the lighting conditions were very poor at the time
3 I took this picture.

4 At the very top is the user name that I was using on
06:36:38 5 Surespot. So this is a Surespot messaging application.

6 The person I was communicating with was using the
7 account helptheummah. And you can read that if you look
8 closely in the very top center.

9 And then these communications began on the morning of
06:36:58 10 May 2 which I initiated.

11 Q. And at what time?

12 A. I initiated this message at 7:55 a.m. on May 2. And
13 that was Pacific Time Zone.

14 Q. And are these reflections of you that are blacked out?

06:37:14 15 A. Yeah, they're somewhat reflections of my face that are
16 elsewhere are on the screen.

17 Q. And if we can back up to page 179.

18 So what was happening with Wickr I guess early that
19 same morning at 4:17 a.m.?

06:37:35 20 A. As the user of accepted noted, it was acting funny.
21 Just occasionally there would be kind of like a backlog of
22 messages sent or received and sometimes there would just be
23 a delay in those messages being sent.

24 And so because of this, he said that he would go to
06:37:53 25 his Twitter account, which I already knew of, and he would

1 post his new Surespot account. So that way I would know how
2 to contacts him on Surespot.

3 And this was just as an alternate means of
4 communication.

06:38:04 5 Q. And can we go to pull up Exhibit 18, please.

6 And go to page 2.

7 So what's happening here in the morning of -- at 7:50
8 in the morning, on this Twitter page?

9 A. So following his comments about how we needed to
06:38:27 10 transition, I sent a direct message to him on his Twitter
11 account. And I told him what my new Surespot account would
12 be, which was the Surespot account that I created was called
13 ummahdefender, that was spelled U-M-M-A-H, defender. That's
14 all one word.

06:38:49 15 Q. And if we go back to Exhibit 14, page 180.

16 Is this then the resulting Surespot conversation?

17 A. Yes. So I gave him my new Surespot account. He said
18 give me a few minutes. Literally a few minutes went by,
19 approximately three minutes.

06:39:10 20 At that time I received an invitation from a new
21 account that I knew to be his.

22 So I accepted that invitation. And then I
23 reciprocated by sending a greeting. Those capital letters
24 are an abbreviation of the Islamic greeting.

06:39:25 25 Q. And then in the center, what did you tell him?

1 A. I gave him the name of my new Wickr account.

2 Q. Which was what?

3 A. Goldenera.

4 Q. And what date was this?

06:39:39 5 A. So this was on May 2 at 7:55 a.m.

6 Q. And what did he tell you in this communication?

7 A. He acknowledged the receipt of the new screen name
8 that I was using. And then he said, "The city is totally
9 locked," which I understood to mean that was his mentioning
06:39:59 10 of the status of Baltimore, Maryland at the time.

11 Q. If we continue to page 181.

12 Did you return to Wickr that day?

13 A. Yes, I did.

14 Q. And is this the -- does this show the return to Wickr
06:40:16 15 as your communication device?

16 A. Yes, so I created this new account and. Then
17 subsequently after informing him of the account identity, I
18 received a message from accepted. And it's worth saying
19 that no one else knew of this account's existence except for
06:40:32 20 this user.

21 Q. And if we move forward to page 182.

22 Is this then the same day that you had the Surespot
23 communication?

24 A. Yes. And you can see that there's the continuity of
06:40:47 25 the conversation where we're, again, talking about Baltimore

1 and the brother from Pennsylvania.

2 Q. So this would be May 2, 2015?

3 A. Yes.

4 Q. If we could move forward to the next page, please.

06:41:03 5 And then to page -- I'm sorry to page -- the very next
6 page.

7 So we're on page 184. Actually let's go back to page
8 183.

9 I apologize.

06:41:16 10 So what were you talking about on page 183?

11 A. I gave a positive reaction about the news that the
12 user of accepted had met the Pennsylvania brother who I knew
13 to be an FBI informant.

14 So I gave him a response to that, that the "MA!" is an
06:41:38 15 abbreviation of that positive reaction.

16 I told him that I was jealous that he got to meet the
17 brother and that all praise was due to Allah.

18 And I said something positive about that brother.

19 And then I later said I want to talk to you about
06:41:58 20 meeting. I found cheap airfare, but scheduling is tough
21 because it might be bad to jeopardize something I got going.

22 Q. And can we start to move forward, please? Page 184.

23 And before we get to this one, can we move forward to
24 185.

06:42:14 25 And 186.

1 And -- let's start with 188.

2 We're going to go back to 184.

3 If we could go back to 184, please.

4 Okay. If we could enlarge the communications here.

06:42:50 5 What does this say?

6 A. I know it's blurry, difficult to read, but the message
7 from accepted says, "I wish someone could go to Texas and
8 harass them during the night."

9 Q. What did you believe that was referring to?

06:43:07 10 A. Well, he wanted me to go to the State of Texas. And
11 then harass them during the night. That was not clear to
12 me. That was -- we had never talked about doing
13 anything -- he never used that word "harass" during the
14 night. It seemed odd. I did not know what he meant by that
06:43:25 15 at the time.

16 Q. What was going on in Texas?

17 A. Well, we had already discussed this significant event
18 in Texas, which was Draw the Prophet Muhammad art contest in
19 Garland, Texas.

06:43:37 20 So when he mentioned Texas, that's -- when he
21 mentioned the State of Texas, I thought back to the last
22 reference to Texas which was Garland, Texas.

23 Q. What was your response?

24 A. I said, "Right on. Unbelievable that she is going on
06:43:55 25 there" -- if you could just zoom out a little bit. I think

1 it might be a little bit easier to read.

2 Okay. "Right on. Unbelievable what she is going on
3 there." No" -- I think -- "great insult."

4 Q. And is there a reason there's a blurry screen shot?

06:44:14 5 A. Poor photography on my part.

6 Q. What else --

7 A. At this point, I was a little rushed because you can
8 see he changed his self-destruct setting to five minutes and
9 so I was just juggling a few things between taking pictures,
06:44:33 10 processing what he was saying, and then coming up with what
11 to say next.

12 So I didn't have a chance to double check my
13 photography.

14 Q. And what was his response to you?

06:44:42 15 A. He said, "A good solid protest."

16 And my previous statement, I said, "unbelievable what
17 she was" -- "what she going on there." And at this point I
18 thought it was understood that we're talking about the Draw
19 the Prophet Muhammad contest.

06:45:01 20 And when I mentioned she, I thought it would be clear
21 that we're talking about Pamela Geller, which the user of
22 accepted had introduced.

23 Q. Was she the organizer of that event?

24 A. Yeah, Pamela Geller was the organizer and kind of the
06:45:18 25 public figure for that event.

1 Q. And the reference to a good solid protest, how did
2 that fit with the other things that you had been told by
3 accepted?

4 A. It did not. We had never discussed protests or First
06:45:32 5 Amendment speech or politics. The mention of protest was
6 inconsistent with anything else we talked about up to this
7 point. You think of a regular protest like a rally and a
8 verbal protest.

9 Q. Move to page 185.

06:45:48 10 So what was your response to that?

11 A. So I was confused by what he meant by a protest. And
12 I suspected that he had an alternate meaning. And so I
13 challenged him on this. And I said, "Look, if we are
14 talking about doing any normal conventional protest, that
06:46:08 15 means we're going back on the grid."

16 And that's contrary to what he told me to do. And
17 then I said, "Oh, freedom of speech don't mean nothing to
18 them," meaning, I was saying there's no value in doing a
19 verbal freedom of speech protest.

06:46:21 20 Q. What was his response?

21 A. So he clarified -- because I was kind of questioning
22 saying like I don't think I understand what you mean.

23 And so he came back and said that I should do a unique
24 one-man protest, which still seemed odd to me because who
06:46:36 25 does -- it's not conventional when you think of rallies and

1 protests for just one man to do a unique protest.

2 Q. Move to page 186, please.

3 And what else happened in the conversation here?

4 A. Well, when he said -- when he introduced this concept
06:46:58 5 of doing a unique one-man protest, I responded by saying, "I
6 like it," and awe, "I get it now. I get what you're trying
7 to say. He said our brothers and sisters are going to laugh
8 at us." And then, "Ha, ha, ha, sounds like a road trip,
9 baby." And he responded with, "Indeed."

06:47:16 10 So I said basically make the news, meaning whatever
11 this intended unique one-man protest is, is probably going
12 to make the news.

13 And I was trying to get him an opportunity to clarify
14 by when he meant, because if he meant some peaceful
06:47:33 15 conventional protest, then this is his opportunity to
16 clarify to me what he intended.

17 Q. Did he state where he was at that time?

18 A. Baltimore, yes.

19 Q. Can we move to page 187.

06:47:51 20 And how did you respond then?

21 A. I just told him I had some research to do based on the
22 tasking that he gave me or based on his expressed interest
23 in someone doing something in Garland, Texas. I told him I
24 had some research to do.

06:48:06 25 Q. What did you think he meant by all of this at that

1 time?

2 A. Right. At that time, given the large volume of
3 conversations that we had about jihadi ideologues, we
4 established that we were taking instruction and orders from
06:48:26 5 ISIS, the brain. When he -- and when we talked about this
6 event and the nature of this event, I presumed that he
7 determined that this event would be a great target for a
8 terrorist attack.

9 Q. Move to page 188, please.

06:48:45 10 Did he indicate whether he would be able to go?

11 A. Yes. So he told me he doesn't fly. Again, he
12 reaffirmed that he doesn't fly and he had a lot of ground to
13 cover. And this was May 2, the day before the event. And
14 so he said he probably wouldn't be able to make it just
06:49:05 15 because of driving distance.

16 Q. What did you ask him?

17 A. I asked him, "Well, is this unique one-man protest
18 just for me, or are there any other brothers?"

19 Q. And page 189, please.

06:49:16 20 What was his response?

21 A. Well, with this tasking, I wanted to know, is there a
22 plan? And are there others involved?

23 Because he indicated that he had a vision for what he
24 wanted done in Garland, Texas. So I asked him about other
06:49:33 25 brothers. And so he said, "See what you and bro juda can

1 do. At least be heard."

2 Q. Who did you believe juda was a reference to?

3 A. So I believed that juda was a typo and that he meant
4 to type Juba, or it wasn't he meant to write juda and that
06:49:53 5 was just another one of his tactics for changing the
6 spelling of the intended word, but to make it a little off
7 so it may not be detected.

8 Q. And what did he say back?

9 A. Okay. So he said, "At least be heard." And I asked
06:50:07 10 him if he was still in contact with juba.

11 And then he said he has another brother he knows. So
12 he was telling me that juba, who I later learned was Elton
13 Simpson, had a second person, another brother with him.

14 Q. If we can move to page 190, please.

06:50:24 15 And to page 191.

16 At -- what were you trying to do on page 191?

17 A. So in realty, I did not have, at that moment, I didn't
18 have the authorization to reengage communication with Elton
19 Simpson.

06:50:47 20 And so I did not want to -- I didn't have the ability,
21 the authorization to converse with him anymore.

22 And so I wept back to him and I basically had to have
23 a stalling technique and I said I didn't have the ability to
24 contact him. I didn't have his Surespot account anymore.
06:51:05 25 That he dumped his Surespot account.

1 And I was unable to find him on Twitter. So I was
2 saying like, "Hey, I made an effort, but I just wasn't able
3 to contact him like you told me to."

4 Q. Move to the if he can page, please.

06:51:17 5 And the following page.

6 Did he ultimately give you a possible account?

7 A. Yes. So I explained I couldn't find him on Twitter
8 and so he provided me a Twitter handle. And he said, "Yes,
9 I think it is Tawwakil," and that was spelled
06:51:36 10 T-A-W-W-A-K-I-L.

11 And other investigators later told me that that was
12 consistent with a Twitter account that the deceased, Elton
13 Simpson, was using.

14 So he was trying to help me reconnect with Elton
06:51:53 15 Simpson.

16 Q. Can we move to page 194.

17 And 195.

18 What does he say to you on page 195?

19 A. Okay. So I said, "I'm going to need to fuel up on
06:52:11 20 high octane caffeinated coffee because the user of accepted
21 would assume I would have a long road trip." I was going to
22 have to drive from the southwest to Garland, Texas.

23 And so I told him, "Hey, this is -- I'm going to have
24 to fuel up for a long road trip."

06:52:27 25 And he told me, "Make it happen."

1 Q. Go to page 196, please.

2 What did he tell you he was going to do then?

3 A. So then he told me, "I have to take my battery out for
4 awhile," like remove the battery from his cell phone, which
06:52:46 5 was -- he was telling me that he was going to be unavailable
6 online because his phone would not be functioning.

7 Q. Move to page 197, please.

8 And 198.

9 So on May 3, 2015, did you travel to Garland, Texas?

06:53:06 10 A. Yes.

11 Q. Prior to traveling, did you get -- do any prior
12 coordination with your superiors?

13 A. Yes. So with my chain of command and the office I was
14 working for, which is a separate field office, they approved
06:53:25 15 up through their highest ranking agent so my chain of
16 command, the other office I was working for and then the
17 Dallas field office also has a chain of command and they all
18 the way up the highest ranking agent in the Dallas field
19 office also was aware of my travel to Garland, Texas and
06:53:45 20 approved of it.

21 Q. What was your purpose in going to Garland?

22 A. So my purpose for going there, my operational goal was
23 to be able to demonstrate to the user of accepted that I was
24 following his guidance, that he gave me a tasking and I was
06:53:59 25 going to follow through with it.

1 So my goal was to go there, observe the event, take
2 pictures, and so when I later met him face-to-face, I could
3 pull up my phone and say, "Look it. I was there. Here are
4 the pictures. Here is the time I took them. Here is the
06:54:13 5 date I took many them. I can tell you about the weather
6 that day. I can tell you all the atmospherics that a person
7 who went there would see," and communicate that back to him
8 and my plan was to tell him that I went to execute this
9 solid one-man protest. And I was unable to, and so I would
06:54:32 10 have to, you know, not complete that task, but I got close.

11 I did the best I could. And I was -- I had planned to
12 use a security reason to say that it was not suitable for me
13 to execute the task.

14 Q. Were you traveling in your undercover role?

06:54:47 15 A. Yes.

16 Q. So what does that mean if you're travelling in your
17 undercover role?

18 A. So I had nothing that would identify me with the FBI,
19 so I had no badge or credentials or weapon or anything that
06:54:58 20 a regular agent would have. I did not.

21 Q. And when you got down to Texas, did you link up with
22 somebody on the scene, law enforcement?

23 A. Yes. So I was working for another field office, but
24 they put me in contact with a local FBI agent who was a task
06:55:17 25 force officer working for the FBI office in Dallas. And he

1 also worked for the Garland Police Department as well.

2 So he was my immediate point of contact.

3 And then by Email I was put in contact with the FBI
4 agent who was also in charge at the event.

06:55:36 5 Q. Did you make any contact with juba or Elton Simpson?

6 A. I did not.

7 Q. Did you travel with him?

8 A. No.

9 Q. Did you have -- at that time did you have any
06:55:50 10 knowledge of where he physically was?

11 A. I did not have definitive knowledge of where he was at
12 that time.

13 Q. So did you continue to communicate with accepted on
14 Wickr?

06:56:03 15 A. Yes.

16 Q. And if we look at page 198 of Exhibit 14, what are you
17 communicating?

18 A. So I announced that I arrived -- well, that I was
19 traveling to Garland, Texas and that I got there. You know,
06:56:20 20 he wanted to know -- he asked a couple times about where I
21 physically was at.

22 Q. If we can go to page 199, please.

23 And what did he indicate regarding the Arizona
24 brother?

06:56:32 25 A. I said, "By the way, I couldn't find the Arizona

1 brother."

2 Q. If we could go to page 200, please.

3 And so did you indicate when you arrived at the event?

4 A. Yes. The local time was 5:19 p.m. on May 3.

06:56:48 5 Q. So during this actual event, where were you physically
6 located?

7 A. I was in a parking lot across the street looking at
8 the event center. I was placed there -- when I first got to
9 Dallas, I linked up with this Garland Police Department
06:57:04 10 officer who also worked full-time for the FBI.

11 So he drove me around. He showed me the lay of the
12 land. He explained to me what was happening. I explained
13 to him what my purpose was for being there and what I
14 intended to do. And he took me to a parking lot, a spot
06:57:20 15 where he positioned me and said this was a suitable place
16 for me to basically just sit there and operate on my phone.

17 Q. Did you continue to communicate with accepted during
18 the event?

19 A. Yes.

06:57:31 20 Q. Please go to the next page.

21 What kinds of things did you discuss?

22 A. Well, he wanted to know what it was like there. And I
23 assume that he wanted to know about the security posture.
24 And so I provide him with some general observations that
06:57:51 25 were available to the public, anyone who was driving by the

1 event or watching it in the news, perhaps, could make the
2 same observations.

3 And so I was giving him legitimate observations that
4 anyone in the public could make, so that it was believable
06:58:07 5 that I was there.

6 Q. If we could go to the next page, please.

7 What did he tell you to do?

8 A. He told me to buy a ticket and get pictures, or he
9 said I could maintain distance and just observe.

06:58:22 10 And if I were to "See that pig Pam, to make my voice
11 heard against her." And, of course, "voice" is in quotation
12 marks. And when he said, "That pig Pam," he was referring
13 to Pamela Geller.

14 Q. When did you believe "voice" in quotation marks meant?

06:58:39 15 A. Well, I was pretty sure it didn't mean literally to
16 make my voice heard. And so he had some other intention
17 about what he wanted me to do and it was not verbal.

18 And so I inferred that he wanted me to attack her, you
19 know, use violence to target Pamela Geller.

20 Q. And go to the next page, please.

21 And could we increase the size of this?

22 Did he start to ask you questions?

23 A. He did. He wanted to know about the security posture
24 there, particularly how many police officers, security
06:59:20 25 officers were there, how big it was, how many people were

1 present.

2 Q. And did you provide answers to those questions?

3 A. I did. I provided either responses that were
4 abundantly clear to anyone in the public and could easily be
06:59:32 5 obtained, or I provided him with misinformation which would
6 provide a tactical advantage to law enforcement if something
7 were to happen.

8 Q. Okay. Next page, please.

9 And the next slide, please.

06:59:49 10 Next page.

11 So did he specifically ask how many police there were?

12 A. Yes, he did, police or agents, yes, he did.

13 Q. And what did you respond with?

14 A. Well, specifically I said, "You know, there was about
07:00:09 15 15ish outside," which is just an approximation. There was
16 two portable watch towers, which were very obvious, two
17 major check points, and I said there were no Muslim protest
18 terse there.

19 Q. Next page, please?

07:00:23 20 A. And when I said -- what I intended when I said "no
21 Muslim protester," conventional protesters that were holding
22 signs, etcetera.

23 Q. Did he ask about the building itself?

24 A. Yeah, he wanted to know how big it was and whether or
07:00:40 25 not it was made of wood.

1 Q. We can go to the next page, please.

2 What else did he tell you to do?

3 A. He wanted me to take precise notes. He asked me how
4 long I could be there. And he said that he was driving back
07:01:01 5 that way now, and I made a reference to the police officers
6 that I observed smoking and joking, and he called them
7 cowards.

8 Q. Okay. Next page, please.

9 What other questions did he ask you?

07:01:20 10 A. He wanted to know if I observed feds there, who I
11 believe would be federal law enforcement officers. And he
12 told me to look very closely. And he asked me if I saw any
13 snipers.

14 Q. And did you respond to those questions?

07:01:35 15 A. Yes, I did.

16 Q. Can we go to the next page, please.

17 And what did you tell him?

18 A. Well, I gave him misinformation to provide law
19 enforcement with a tactical advantage in the event that a
07:01:52 20 violent activity did happen.

21 So I told him "No snipers, no dogs, just small town
22 cops directing traffic. And no feds," although the FBI did
23 have a large presence there.

24 Q. Next page, please.

07:02:06 25 So we're now up to page 211 of Exhibit 14.

1 Did he continue to ask you questions?

2 A. Yes, he did.

3 Q. And what was he asking now?

4 A. So he said, "Does hotel have anything overlooking that
07:02:24 5 place?"

6 So I told him that I was positioned near a hotel
7 across the street from the event.

8 And so he was asking me if I could basically use, you
9 know, the hotel as a place to have a vantage point for
07:02:37 10 observation.

11 Q. Okay. And then what else did he ask you on this page?

12 A. Then he said, "What you got with you."

13 And so I understood this question that he was asking,
14 what did I physically have with me. And I inferred that he
07:02:53 15 was asking me what kind of weapon did I have with me.

16 Q. Go to page 212, please.

17 How did you answer?

18 A. I said simply "Tools of the trade."

19 Q. And what was his response?

07:03:07 20 A. Then he said "LOL," and then to offer some
21 clarification and what I physically had with me, I said,
22 "Not a small hand tool."

23 Q. What were you trying to communicate by those
24 responses?

07:03:20 25 A. I was alluding to the fact that I did not have a

1 handgun with me but, rather I had a rifle with me.

2 Q. Can we go to the next page, please?

3 What did he -- what did he tell you after that?

4 A. So he said that "The people doing the drawing and
07:03:36 5 hosting and observing are the ones that needed to protest
6 against." Meaning, he thought that they should be the
7 target of the protest.

8 Q. And what did you tell him?

9 A. I just gave him some additional observations, not a
07:03:51 10 lot of foot traffic, but everyone is inside the event center
11 at the time. And then I told him that the event was going
12 to be ending at 7:00 which was about 30 minutes from that
13 time.

14 Q. And what was his response?

15 A. So, you know, I described that I was on the outside
16 and everyone else was on the inside, and that a ticket was
17 required. It was a closed event. Closed to the public.

18 And he said, "Yeah, they are there, but you can voice
19 your concerns to the hosts after their detail is gone,"
07:04:21 20 which I understood that after the event was over and
21 everyone would be leaving the interior of the event center,
22 they would go back out to the parking lot, they would go to
23 their cars, and at that point at the end of the event, if
24 Pamela Geller had a security detail with her, then I should
07:04:37 25 wait until the -- until that detail, which I understood to

1 be a security detail, would be gone.

2 Q. Can we go to page 214?

3 A. Then I could voice my concerns.

4 Q. I'm sorry. Can we go to page 214.

07:04:52 5 And what else did he state?

6 A. He said that "They will be outside yapping their
7 mouths and thanking the pigs."

8 So he projected that the people that should be the
9 target of the protest would be outside talking in the
07:05:06 10 parking lot after the event.

11 Q. Can we go to page 215?

12 What did talk about on this slide?

13 A. He said, "I can't believe there are no other Muslims
14 there at least with signs, SMH," which I understood to mean
07:05:27 15 shaking my head.

16 Q. Can we go to page 216, please.

17 And page 217.

18 Did he ask you about media that might be there?

19 A. Yes. He asked me what the media presence was. And I
07:05:47 20 gave him an answer based on, you know, superficial
21 observations I was able to make.

22 Q. What was his response?

23 A. "There are more ways to skin a chicken. They expect
24 protest."

07:05:59 25 Q. Did you understand what he meant?

1 A. No. I mean, not entirely.

2 Q. If we can move to page 218, please.

3 What did he tell you at the bottom of this page?

4 A. Well, he said that if I was not able to give them a
07:06:23 5 hard time, that I could wait on him, wait for his arrival.

6 Q. And right before that what were you telling him?

7 A. So I just gave him some additional observation that
8 anyone could make by simply googling the event center.

9 And I told him I was looking at Google Maps and I told
07:06:42 10 him what I saw. And I was trying to give him the impression
11 that, you know, I could provide some tactically valuable
12 information. And I said, "You could study Google Maps and
13 satellite images and see the area I'm talking about. Could
14 have parked at the high school next door and take a short
07:07:00 15 walk through the woods and end up at the back door of the
16 convention center."

17 Q. Can we go to page 219?

18 A. And he seem interested in that when he said -- with
19 the response of "Really?"

07:07:10 20 Q. On page 219, what were you telling accepted?

21 A. Well, I was really just trying to keep the
22 conversation going by giving him the allusion that I was
23 providing him with real information.

24 And -- but because, you know, he wanted to talk about
07:07:30 25 the security and cops and law enforcement and feds. He also

1 wanted to make the point that they are pure cowards.

2 Q. Did you reference yourself being a lion?

3 A. I did. I said that the law enforcement officers
4 "Don't realize that there's a lion staring them down from
07:07:48 5 behind the tall grass in the woods." And I was referring to
6 myself.

7 Q. And while all of this is going on, are you still
8 physically located at the event?

9 A. Just across the street from it, yes. But I wanted to
07:07:58 10 give him the impression that I was a tool of his and I was
11 postured to do what he wanted me to do.

12 Q. Page 220, please.

13 What was his response?

14 A. So he responded with the same response that terrorists
07:08:15 15 use when conducting a terrorist attack which is, "Allah
16 akbar." He spelled that phrase as A-L-L-A-H, A-K-B-A-R.
17 That means God is great.

18 And so he gave basically the highest form of praise or
19 the highest celebratory Islamic phrase that again is used to
07:08:39 20 announce or celebrate a successful terrorist attack. And he
21 said that after I described myself as a lion waiting to
22 pounce basically.

23 Q. Can we move to page 221, please.

24 So what happened towards the bottom of page 221?

07:08:58 25 A. So he said, "I wish you could take their photos," or

1 that's what I understood him to say.

2 And so I think he understood what I was there for and
3 what I was able to do.

4 And so I gave -- you know, he told me to go take their
07:09:16 5 photos. That means I would have to get in close. I would
6 have to go towards the event. I would have to leave my
7 position, go across the street, and get close to the targets
8 that he wanted me to protest against.

9 So when he said he wished that "I could take their
07:09:33 10 photos." I told him that I'm going to see how close I can
11 get. That basically I'm going in.

12 And I conveyed to him that I was terminating our
13 conversation. I used the capital letters at the bottom.
14 That's the standard way for terminating a conversation. So
07:09:48 15 he knew that that was going to be the last time he was going
16 to hear from me at the conclusion of that conversation.

17 So, in other words, he knew that I was going to leave
18 my position and go into the event, get close to the event.

19 Q. If we go to page 222, please.

07:10:03 20 And what was the final bit of advice from him?

21 A. So when he knew that I was going in, he told me, he
22 gave me another piece of advice. And he said, "You may see
23 her get into a car to go to airport or catch a flight,
24 etcetera."

07:10:19 25 What I understood that, he was giving me some last

1 minute advice for how I could best locate Pamela Geller.

2 Q. If we could pull up Government's Exhibit 71, please.

3 Do you recognize this photo?

4 A. Yes, I do. This is the convention center in Garland,
07:10:40 5 Texas.

6 Q. So after that last string of communications, what did
7 you do?

8 A. So I terminated the conversation with him, giving him
9 the impression that I was going in.

07:10:52 10 Before I -- before I physically moved, I called my
11 point of contact, again, who was the task force officer,
12 Garland Police Department officer assigned to the FBI.

13 And I asked for his permission if I could leave my
14 place, do a drive by of the convention center and take
07:11:15 15 pictures of it as I was driving, which I could later use for
16 future conversations.

17 Q. And does this show -- is this an accurate depiction of
18 the aerial layout of the event center?

19 A. Yes.

07:11:25 20 Q. And also the roads around it on May 3, 2015?

21 A. Yes.

22 Q. Where were you going to drive?

23 A. So looking at this picture, I was in the kind of top
24 right corner in a parking lot, which you can't see in the
07:11:38 25 picture. But I was, again, in the area of the top right

1 corner.

2 So I drove to the left, down that main road at the
3 top. So from right to left.

4 Then I turn around and I intended to drive back. And
07:11:53 5 as I was doing my final drive-by of the event center, I was
6 going to take pictures of the event enter and in the process
7 of taking the pictures, I would probably catch a glimpse of
8 the police checkpoints, and then I intended in the future to
9 say, I was going into execute the attack; however, I
07:12:09 10 encountered these police checkpoints and I will couldn't do
11 it. I just waived off the attack."

12 Q. Before you go any further, can you just use your
13 finger and actually touch the screen and trace the road you
14 were just talking about?

07:12:20 15 A. Sure, so when I started moving in my car, I drove this
16 way and I was going down a hill and I did -- I looped back
17 around and came back up in that direction.

18 Q. Now, when you drove down on your first pass, were you
19 behind any cars?

07:12:35 20 A. No. Not that I recall.

21 Q. What happened when you got to the end of that road and
22 made the turn around you just described?

23 A. So I drove down a ways, drove downhill.

24 I then turned left into an empty parking lot to turn
07:12:51 25 turned around and just came back.

1 When I came back on the road, I ended up behind a
2 vehicle. There was a vehicle right in front of me. I was
3 driving behind that vehicle. That vehicle was driving slow.
4 You know, it was driving in an abnormal way. And I remember
07:13:08 5 thinking to myself that I would like to pass this car
6 because they're just getting in my way and they're
7 not -- they're driving slower than the speed limit.

8 And the nature of their driving, I remember thinking
9 to myself it seemed like an indecisive driver or perhaps
07:13:21 10 like a drunk driven or someone not driving normally.

11 And I wanted to pass them; however, I really couldn't
12 just by the nature of the road so I was kind of stuck behind
13 a slow driver.

14 And then we came up the hill and we encountered the
07:13:37 15 first access point into the parking lot for the convention
16 center.

17 And then -- would you like me to describe --

18 Q. Well, if you could stop there for just a moment.

19 What I would first like to do is pull up Government's
07:13:51 20 Exhibit 109.

21 Do you recognize -- actually let's do 110 first.

22 First, do you recognize Government's Exhibit 110?

23 A. Yes, I do. So this picture was taken with the
24 convention center to my left. And this picture was taken
07:14:08 25 during my first drive-by, just came right out of the hotel

1 parking lot and convention center on my left.

2 Q. And what is that, if we can zoom in where there some
3 orange things in the center?

4 A. Yeah. So there's just orange traffic cones with what
07:14:26 5 appears to be two or three officers there. And they had
6 like a security checkpoint. And that was just one of the
7 two access points into the parking lot.

8 Q. And is this photo a fair and accurate depiction of
9 what you saw on May 3, 2015?

07:14:42 10 A. Yes.

11 Q. Again, did you take this photo?

12 A. Yes.

13 Q. If we could bring up Government's Exhibit 109.
14 What is Exhibit 109?

07:14:52 15 A. So I had turned around and was coming back to do my
16 second drive-by of the convention center. And I took this
17 picture, which is the same police checkpoint, which is also
18 the first access point into the parking lot for the
19 convention center.

07:15:09 20 And the car I was describing that I was kind of stuck
21 behind driving behind was off to kind of the center left of
22 the picture frame. And it was still in front of me.

23 So right about where you have the cursor.

24 Q. And can we enlarge sort of this section, please, over
07:15:29 25 to the left center?

1 Do you see what appears to be a shadow of anything
2 along the left side?

3 A. Yeah, and I suspect that that little small dark shade
4 of a color on the pavement of the street is actually the
07:15:44 5 shadow cast by the car that was in front of me.

6 Q. And is this also a fair and accurate depiction of what
7 you saw on May 3 of 2015?

8 A. Yes, that is exactly what I saw.

9 Q. And can we please go to Government's Exhibit 71,
07:16:03 10 again?

11 Where on this overhead map were those photos we just
12 saw, where did those take place?

13 A. Right, so I was taking pictures of this access point
14 to the parking lot.

07:16:16 15 Q. So what happened as you drove up behind this car next
16 to that access point?

17 A. So I observed the car pull off slightly to the side,
18 to the right on the road.

19 And then I saw the doors open. I saw two men jump out
07:16:34 20 of the vehicle with assault rifles and opening fire and
21 engaging the officers at that police checkpoint.

22 Q. About how far away were you when this happened?

23 A. Maybe one or two car lengths behind them. And as they
24 pulled off to the side of the road to stop and get out, I
07:16:54 25 was then trying to pass the car. So I observed this while

1 driving past them, you know, exiting the vehicle and opening
2 fire with assault rifles.

3 Q. Did you expect that to happen?

4 A. Nope.

07:17:10 5 Q. What was your immediate reaction?

6 A. My immediate reaction was to get out of the immediate
7 area because there was a fire fight. There was a shooting
8 that was occurring between the police officers and the
9 shooters, the attackers.

07:17:23 10 And my instincts trained that I need to do something
11 in an official capacity to respond to a crime that I'm
12 observing.

13 I had no means to physically interdict the shooting.

14 I had no weapon with me. My vehicle was at a point where it
07:17:39 15 was passed the area of the attack so it wasn't like I could
16 use my forward momentum of the vehicle to, you know,
17 interdict the attackers. That physically was not possible.

18 And so my instinct, the best I can do right now is I
19 can report what I'm seeing to report to law enforcement.

07:17:58 20 And I reached for my phone and I began to place an emergency
21 phone call from my phone as I was very quickly driving away
22 from the scene of the crime.

23 Q. What happened?

24 A. I was very quickly stopped by many police officers,
07:18:15 25 jumping into the road, and halting my vehicle.

1 Q. Were you dressed in your role at that time?

2 A. Yes.

3 Q. So would you have appeared to be possibly one of the
4 attackers?

07:18:28 5 A. I could be. I very well could be perceived by the
6 officers that were stopping me because I was literally right
7 next to the attackers at the time. And then as they jumped
8 out of their vehicle, I was speeding off in mine. And so
9 the officers that observed this event happening and then
07:18:46 10 seeing me immediately leaving the scene could be suspicious
11 that I was involved.

12 Q. So what ultimately happened after you were pulled
13 over?

14 A. So I was detained. He was taken out of my vehicle and
07:19:00 15 treated like I was, you know, a suspect, and they were just
16 securing the area. And I was, you know, handcuffed and
17 detained and put in the back of a police vehicle.

18 Q. Did you later learn who the two men were who jumped
19 out of the car with guns?

07:19:15 20 A. Yep.

21 Q. Who were they?

22 A. It was Elton Simpson and Nader Soofi.

23 Q. And did you spell the Nader Soofi, please?

24 A. I think that the legal spelling of his name is
07:19:27 25 N-A-D-E-R for the first name and then Soofi. I think his

1 legal spelling was S-O-O-F-I.

2 Q. After this event, did you attempt to make contact
3 again with -- actually, let me back up a moment.

4 Where had these two men come from who committed the
07:19:49 5 attack?

6 A. Phoenix, Arizona.

7 Q. After this attack, did you make any efforts to
8 reengage with accepted, the person you had previously been
9 communicating with?

07:19:59 10 A. Yes, late that night, I did.

11 Q. If we can go back to Government's Exhibit 14.

12 A. And that was either late in the evening of May 3 or
13 earlier the morning on May 14, 2015.

14 Q. If we can go, I believe, to page 226.

07:20:24 15 Maybe 225.

16 Let's go back to 221 then.

17 Okay. If we can go to the next page, please.

18 And then the next page, page 223.

19 Is this what you were rearing to?

07:20:56 20 A. Yes. So on May 4 at 12:20 a.m., this is my response
21 to accepted following the attacks.

22 Q. Now, did you know that Mr. Simpson and Soofi were
23 going to commit that attack?

24 A. No.

07:21:11 25 Q. When you were making this comment here to accepted,

1 what were you trying to accomplish?

2 A. First, it's standard for jihadis to respond about news
3 of a terrorist attack about allahu akbar, so just giving the
4 standard response that was consistent with my persona. And
07:21:35 5 secondly letting him know that I was alive.

6 Q. Did he respond to this?

7 A. Yes, I think he responded shortly thereafter. I think
8 maybe a day later.

9 Q. Did he respond -- did he get back in touch with you
07:21:47 10 using a different account from accepted?

11 A. I believe so. I may have to go to a later slide to
12 confirm that. But I believe so.

13 Q. Did you later do anything else to try to reach out,
14 back out to this person, like contact him through any of the
07:22:02 15 other social media applications you had previously used?

16 A. Yes. So I didn't get an immediate response from him.
17 And so we had a back-up communication method where I could
18 always contact him on his Twitter account.

19 So I sent a direct message to his Twitter account
07:22:18 20 where I have provided my new Wickr account. So he could
21 recontact me and he had my most current contact information.

22 Q. If we could pull up Government's Exhibit 19, please.

23 A. And so by informing him of my new account contact
24 information, he was the only one who was aware of the
07:22:37 25 existence of this account.

1 Q. And which Twitter account did you send this to?

2 A. This was to @sham_reason, which is a screen name Abu
3 Harb Al Amirki.

4 Q. And is this the original Twitter account that you
07:22:57 5 first contacted this person on?

6 A. Yes, this is where is all began on May 24 with this
7 Twitter account.

8 Q. When you say May 24 --

9 A. I'm sorry, this is where it began on March 24, 2015.
07:23:08 10 Thank you.

11 Q. And if we can move to page 2 of Exhibit 19.

12 Does this also have direct communications between you
13 and the user of @sham_reason?

14 A. Yes. And so on May 4, 2015, I provided him with my
07:23:27 15 new account information which he did then contact me.

16 And with my creation of subsequent new accounts, I
17 send them to him, and then it gave him the opportunity to
18 recontact me as well on those dates listed.

19 Q. What does Abu Harb mean?

07:23:45 20 A. Abu Harb -- the word Harb means war. And so it
21 literally means the father of war, the American, is the
22 translation of his full Twitter screen name.

23 Q. So if we can go to Government's Exhibit 20, did you
24 indeed get a communication on that new Wickr account,
07:24:07 25 acceptm44?

1 A. Yes, I did. So the user of sham_reason created a new
2 Wickr account. And in the title of his Wickr account he
3 included the number 17. And he initiated contact with my
4 new account.

07:24:24 5 Q. What was that new account name?

6 A. The new account that he was using?

7 Q. That he was using, correct.

8 A. That he was using was mesecret17.

9 Q. Did he also ask you for the code during the
07:24:34 10 communications?

11 A. Yes, he did. And it was consistent with what we had
12 previously established.

13 Q. If we can go to page 2 of Exhibit 20?

14 A. And I, at this point I never used this code with
07:24:47 15 anyone else or told anyone else outside of the FBI of what
16 the code was.

17 Q. And what was the content of this series of
18 communications you had shortly after this Garland incident?

19 A. Well, he wanted me to tell him what I saw. He wanted
07:25:05 20 me to describe what happened.

21 Q. And did you do that?

22 A. Yeah. Initially I just said that, "Hey, I need to lay
23 low. Now is not a good time to talk."

24 Q. And can we move forward to the next page, please.
07:25:16 25 What did he think had happened to you?

1 A. Well, he wondered if they arrested me and then they
2 let me go.

3 Q. And what did you tell him?

4 A. I told him, no. I told him basically I observed -- "I
07:25:31 5 saw it all. I saw the whole attack happen. However, I just
6 punched it," meaning I drove away quickly, and "I just got
7 out of there as fast as I could, but I did observe the
8 attack and I -- yeah, and I saw the attack."

9 Q. If we can go to the next page, please.

07:25:48 10 And actually, can we go to page 7, please?

11 What did he indicate he thought had happened to you?

12 A. Well, he said -- well, what he claimed was that "Up
13 until last night, I thought that was you, Wallahi," spelled
14 W-A-L-L-A-H-I, and it just means I swear by Allah.

07:26:17 15 And so he said up until last night he thought that was
16 me. And I thought he was referring to the news. At this
17 point, it was national news. The attack was all over the
18 news. And I assume he saw the news. And that because he
19 saw the national news, he thought I was the one involved in
07:26:34 20 the attack.

21 Q. And there's an indication that he was crying, so what
22 would he have been crying over?

23 A. Well, because this -- the news said the attackers were
24 killed on the spot. And so when he said, "I was crying and
07:26:49 25 Dua," which is D-U-A, that means he was crying while making

1 prayers, presumably he was making prayers for me because I
2 had just been killed and that he was in pain of the
3 realization that I had been killed.

4 Q. Go to the next page, please.

07:27:03 5 And what does he advise that you do in the next
6 communication?

7 A. He told me to deactivate my Twitter account which is
8 kind of like going off the grid or laying low, and to
9 basically, you know, by deactivating that Twitter account
07:27:25 10 would mean that I would be erasing the connections that I
11 had with his Twitter account.

12 Q. Can we go to the next page, please.

13 There's a reference -- well, first, what did he tell
14 you during this set of communications?

07:27:43 15 A. Well, he said that "We still need to keep in contact.
16 We needed a mutual way to keep in contact."

17 And he said that "We needed to remain in contact
18 because after I added up the facts, I knew it wasn't you."
19 So I thought this was very important because he was doing
07:28:00 20 some mental math, and he was explaining what his mental math
21 was. He was saying, "Because I added up facts, I knew it
22 wasn't you." He had foreknowledge that I was going to
23 be there and then he also indicated that he had
24 foreknowledge that Elton Simpson would be there. And he
07:28:16 25 previously said that Elton Simpson had another brother with

1 him.

2 So he had for knowledge that three people would be
3 present at Garland, Texas.

4 In the news, the news only reported of two people.
07:28:27 5 And two people were killed.

6 And so when he did the management math, knowing that
7 three were there, only two were reported on the news, that
8 means the third one got away, and that was me.

9 Q. There was also a reference to the "Just paste." Do
07:28:42 10 you see that?

11 A. Yes. So just paste it is a method online where anyone
12 can go and post documents that would be available for anyone
13 to download off the Internet.

14 Q. And if we can go to the next page?

07:28:55 15 A. And he actually he said, "Have you seen the just
16 paste?" What I thought he was referring to was have I seen
17 the latest document on just paste it.

18 Q. If we can go to page 11, please.

19 And what were you trying to explain to him in these
07:29:13 20 communications?

21 A. Well, I was trying to convey that I just experienced a
22 very traumatic event, that I survived, that I saw the lions,
23 that I considered attackers to be lions, and I considered
24 them to have achieved their goal which was to die fighting
07:29:30 25 for the sake of Allah.

1 And I know I was and I was just trying to give a
2 convincing presentation of that -- that disposition.

3 Q. What was his response on that topic?

4 A. He said, "I thought the same thing, bro. And I know
07:29:46 5 that will always be a concern you have, but listen, bro,
6 Allah showed you that in order to prepare you, next time
7 you'll be twice and better inshallah," meaning God willing.

8 Now, before this, I made an issue that the way the
9 events unfolded, basically the way the event went down, that
07:30:04 10 that attack was insufficient, that that was not a well
11 executed attack and it was not well planned, and that was
12 basically unacceptable by my standards.

13 And then that was his response was that he said I know
14 that will always be a concern that I will have. But he gave
07:30:20 15 me some reassurance. He said, "But listen, bro, Allah
16 showed you in order to prepare you. Next time you'll be
17 twice as better."

18 So what I thought he was saying was that I did not die
19 in the attack because he believed that Allah allowed me to
07:30:34 20 survive so that I could be more effective in the future. I
21 would be twice as good for the next attack in the future.

22 Q. If we could move to page 13, please.

23 Does he offer to help you with a safe house?

24 A. Yes. He told me, "Don't worry. This is an example
07:30:52 25 that Allah granted you. Don't let this real time lesson be

1 in vain." In other words, we need to really kind of take
2 advantage of this significant event, learn from it, and
3 then, yes, at about 12:47 p.m. he said, "Bro, keep in touch
4 with me. If you need a safe house, let me know."

07:31:12 5 Q. And can we move to the next page, please?

6 A. And also he said, "This is why I'm here." So he was
7 making himself available for me if I felt that I needed to
8 basically go into hiding because I was, you know,
9 essentially part of this terrorist attack, or connected to
07:31:31 10 it.

11 Q. Did you have further communications on a different
12 Wickr account with this same person?

13 A. Yes.

14 Q. If we could please bring up Government's Exhibit 21,
07:31:41 15 please.

16 Did you receive a message on Wickr from terrowatch17?

17 A. Yes. And I received this new message from a new
18 account after I provided the Abu Harb Al Amerki Twitter
19 page. I went to the Twitter account with the handle
07:32:03 20 @sham_reason. And I provided him with my most current
21 contact information. And then I received this new contact
22 from terrowatch17.

23 Q. And did you use that same number or code system?

24 A. Correct.

07:32:19 25 Q. And can we go to the next page, please, page 2?

1 Did you ask if a further verification question?

2 A. I did. I wanted to demonstrate that I was still very
3 security conscious having just been rattled by a traumatic
4 event. And so I wanted to show that, "Hey, this exchange of
07:32:39 5 the code number was not enough." And that I wanted further
6 proof that I was still -- that the person I was talking to
7 on this day is the same person I was talking to weeks in
8 advance.

9 Q. And what code system did you use?

07:32:51 10 A. So he pointed me to a series of
11 lectures -- early -- this is back in April. He referred me
12 to a series of lectures by Anwar Al-Awlaki, who, again, is
13 this al-Qaeda jihad ideologue. He referred me to a lecture
14 series that was all about violent jihad. And on that
07:33:10 15 website for those lectures on violent jihad, there was a
16 picture on a book cover.

17 And that picture on the book cover was crossbow. Now
18 this is what he told me I needed to consume. I needed to
19 listen to these lectures. So I knew he was familiar with
07:33:30 20 this image of a crossbow.

21 Q. Move to page 3.

22 Actually on to page 4.

23 Did he give you the proper answer?

24 A. Yes, he did.

07:33:38 25 Q. And based on that, did you believe it was the same

1 person you were talking to?

2 A. Yes, I did.

3 Q. If we can move forward to page 5?

4 THE COURT: Ladies and gentlemen, we're going to
07:33:50 5 go about five more minutes then we'll be done for the day.

6 BY MR. SHEPHERD:

7 Q. What else was he asking you at the bottom of this
8 page?

9 A. So he said, "Where else is this ID present online?"

07:34:04 10 Q. And what did you respond with?

11 A. I said, "My ID, nowhere. You only got it. And the
12 Pennsylvania brother."

13 Q. Who was a reference to?

14 A. That was the FBI informant that he put me in contact
07:34:15 15 with.

16 Q. And if we could move forward to page 9, please.

17 What were you telling him on page 9 would have
18 happened to you?

19 A. So I told him that if I had been driving in the
07:34:34 20 opposite direction during the attack, I would have been
21 caught by law enforcement. They would have stopped me, and
22 then I would have been arrested. And I would have been a
23 trophy for law enforcement to arrest me and then parade me
24 around and humiliate me, which is what he said was
07:34:53 25 unacceptable.

1 Q. If we can move forward to page 25, please.

2 What did he believe was happening to you?

3 A. Well, he gave me some reassurance that each day
4 is -- "You're living each day, day by day." And that's the
07:35:20 5 life of a mujahid. He used "MJ," which I believe to be
6 abbreviation for mujahid.

7 And he said I was going through this process day by
8 day and that I was being trained by Allah. And very early
9 on we established that the capital letter "A" by itself was
07:35:38 10 an abbreviation for Allah. So he was telling me that these
11 experiences that I just recently went through was Allah
12 training me.

13 Q. And then moving forward to page 27.

14 What did -- what did he -- at the bottom of the page,
07:36:01 15 there's a reference to "May A accept from them"?

16 A. Right, so I understood that he was saying "May Allah
17 accept from them."

18 And I inferred that the them in this statement
19 referred to Elton Simpson and Nader Soofi, those who died in
07:36:24 20 the attack at Garland.

21 So whatever --

22 THE COURT: Next question, please.

23 I'm sorry. Please don't volunteer any information not
24 asked for in the question, please, in the interest of time,
07:36:35 25 please.

1 MR. SHEPHERD: Yes, Your Honor.

2 BY MR. SHEPHERD:

3 Q. Did you have further communications with another
4 account, even after this terrowatch17?

07:36:43 5 A. I would have to go and check the next slides. I think
6 I did.

7 MR. SHEPHERD: Your Honor, I believe this would
8 be -- I'm almost done, but I believe this would be the place
9 to break.

07:36:53 10 THE COURT: How much more time do you need?

11 MR. SHEPHERD: Probably about 15 to 20 minutes,
12 Your Honor.

13 THE COURT: Ladies and gentlemen, what's your
14 preference? Complete the witness's testimony or break for
07:37:01 15 the day? Show of hand as to how many would like to break?

16 I know some of you drive -- you drive from -- I know
17 where you drive from -- I know where you drive from. You
18 got a long drive.

19 Finish up.

07:37:15 20 MR. SHEPHERD: Yes, Your Honor.

21 BY MR. SHEPHERD:

22 Q. If we could move to Government's Exhibit 22, please?

23 Were you ultimately contacted from an account on Wickr
24 called itsme17?

07:37:29 25 A. That is correct. On May 10 I did -- was contacted by

1 another account.

2 Q. And was this done through the same process as before?

3 A. Yes.

4 Q. In we could move to page 2, please.

07:37:40 5 And did you again use this code system?

6 A. Yes. 17 and a crossbow.

7 Q. And if we could please move to page 8.

8 Did he ask you again about the Pennsylvania brother?

9 A. Yes, he did. He asked me for his contact information.

07:38:04 10 Q. And taking a look at page 9.

11 Did you provide that information?

12 A. I did not.

13 Q. Taking a look at your final communication on the page?

14 A. Yes, so I did. Sorry. Correction. I, at the end, I
07:38:22 15 did provide the contact name for him on Wickr in the last
16 line of text.

17 Q. If we can move forward to page 16, please?

18 Did you continue to talk about future plans after this
19 attack?

07:38:36 20 A. Yes, we did.

21 Q. And moving forward to page 17.

22 Was there a reference to needing a secure land?

23 A. Yes, he said, "They are few, they are here, but it is
24 locked in their hearts waiting for an opportunity and a
07:38:58 25 secure land to unlock this golden path to they're like the

1 companions of Phiran," which is spelled P-H-I-R-A-N.

2 Q. And what does that mean?

3 A. Well, the companions.

4 Q. Just the word companions of Phiran?

07:39:19 5 A. Yeah, Phiran translates as pharaoh.

6 Q. If we can move to page 18, please.

7 And to page 19.

8 Let's go ahead to page 20.

9 Does he further talk specifically about land to be
07:39:38 10 purchased?

11 A. Yes. And in previous conversations we talk about the
12 need to have land of our own.

13 And in this case, he talks about the need specifically
14 for 50 to 100 acres legally purchased.

07:39:52 15 Q. What else does he say about it?

16 A. Well, he says the advantage of legally purchasing this
17 large piece of land is that we can hide in plain sight. And
18 then on that land we can have a farm, house, garden and
19 tunnels.

07:40:04 20 Q. And at the very bottom, does he indicate whether any
21 are already underway?

22 A. He says that "Five are in the beginning stages across
23 the country."

24 Q. If we can move forward to page 22, please.

07:40:19 25 At the bottom of this page, what does he indicate has

1 happened?

2 A. Well, he says, "Money is needed," but he also says,
3 "Our person is under" -- what I understood to be
4 surveillance.

07:40:30 5 "And this person who was under surveillance has caught
6 a tail," which I understood that he's talking about someone
7 in the third person. I suspect he was talking about
8 himself. And he said that this person is under surveillance
9 because they had detected a tail, meaning they had detected
07:40:46 10 surveillance.

11 Q. Now, you're aware of whether any surveillance at this
12 time had been going on of Erick Hendricks?

13 A. Yes, I was aware that the FBI was conducting
14 surveillance on Erick Hendricks.

07:40:58 15 Q. And if we can move forward to page 29, please.

16 Had he asked you about a teacher from Colorado?

17 A. Yes. And he also -- yes. And -- I'll keep it short.
18 Yes.

19 THE COURT: Next question, please.

07:41:22 20 MR. SHEPHERD: Yes.

21 BY MR. SHEPHERD:

22 Q. Was this teacher from Colorado the same person you had
23 communicated previously from Colorado?

24 A. Yes. So the user brokered an introduction of me to
07:41:33 25 talk to this Colorado person, and this person I also knew

1 be an FBI informant.

2 Q. Can we go to the next slide, please.

3 And to the next page, please.

4 Did the communication then end on itsme17?

07:41:51 5 A. Yes.

6 Q. And if we can go to one more page.

7 That's the last page. So can we go to Government's
8 Exhibit 23, please.

9 Did you receive one further communication from an
07:42:09 10 account named dontcatch17?

11 A. Yes, and this is after I went back to that original
12 Twitter account and provided my most current Wickr account
13 information.

14 Having done that, I was then contacted by this
07:42:23 15 account.

16 Q. And did you have any further communications on
17 dontcatch17?

18 A. No. This is the end of my communication with this one
19 user.

07:42:32 20 Q. Did you have any further communications after this
21 with the individual you had been talking to these several
22 months?

23 A. No. This was the end.

24 Q. Special Agent Jane, we've reviewed multiple exhibits
07:42:46 25 with screen shots that we've identified as we went -- or

1 that we haven't gone over every single screen shot.

2 I just want to ask you, have you previously reviewed
3 Government's Exhibit 1 through 8 that we identified?

4 A. Yes.

07:43:02 5 Q. Exhibits 12, 13 and 14?

6 A. Yes.

7 Q. Exhibits 18 through 24?

8 A. Yes.

9 Q. And are those all accurate copies of the screen shots
07:43:14 10 that you collected during your communications with this
11 individual who started as sham_reason?

12 A. Yes.

13 Q. And also with Elton Simpson?

14 A. Yes.

07:43:26 15 Q. And do those appear to you to be complete and accurate
16 copies of those screen shots?

17 A. Yes.

18 Q. Okay.

19 MR. SHEPHERD: Your Honor, I have no
07:43:35 20 further -- well -- one moment, please.

21 BY MR. SHEPHERD:

22 Q. And approximately what was the date of this last
23 communication that you had?

24 A. I think it was about May 18, 2015.

07:43:52 25 MR. SHEPHERD: And, Your Honor, with that, I have

1 no further questions.

2 THE COURT: All right. Thank you.

3 Ladies and gentlemen of the jury, we're going to
4 adjourn for the weekend. Leave your notepads on your
5 chairs. Remember the admonitions I've given you about not
6 discussing the case among yourselves or with anyone else.
7 Don't form or express any opinions on the case whatsoever.

8 I can't stress strongly enough how important it is
9 that you refrain from doing any research on the Internet
07:44:17 10 about any of the issues, events, described here in the
11 courtroom.

12 Extremely important you do that.

13 Also, do not let anyone else talk to you about this
14 case. There will be media accounts about this case, I'm
07:44:30 15 sure. In perhaps the Cleveland Plain Dealer, the local
16 Akron Beacon Journal follows up sometimes and reprints the
17 same story. So please refrain from reading those media
18 accounts and not let anyone, members of your household,
19 friends, acquaintances discuss those stories with you.

07:44:52 20 It would be -- again, please, we want to be fair and
21 not rely upon those accounts, which at this point, as it
22 relates to this witness's testimony, you've only heard his
23 initial direct examination. The defendant has not had an
24 opportunity to ask questions as well.

07:45:07 25 So, please, again, refrain from reviewing those

C E R T I F I C A T E

3 I certify that the forgoing is a correct
4 transcript from the record of proceedings in the
5 above-entitled matter.

7 | S/Caroline Mahnke 3/9/18

8 | Caroline Mahnke, RMR, CRR Date

10 *S/Lori A. Callahan* 3/9/18

11 Lori A. Callahan, RMR, CRR Date

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